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**Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba**

# Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

## Report of the Secretary-General

*Summary*

In its resolution 58/7, the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to submit to the Assembly at its fifty-ninth session a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law.

Pursuant to that request, by a note verbale dated 19 April 2004, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him by 16 July 2004 with any information they might wish to contribute to the preparation of his report.

The present report reproduces the replies of Governments (part I) and from organs and agencies of the United Nations system (part II).

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III. Replies received from organs and agencies of the United Nations system*

* See part two of this report (A/59/302 (Part II)).

# I. Introduction

In its resolution 58/7 of 4 November 2003, the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to submit to the Assembly at its fifty-ninth session a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law.

Pursuant to that request, by a note verbale dated 19 April 2004 the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report by 16 July 2004.

The present report reproduces the replies of Governments (part I) and of organs and agencies of the United Nations system (part II).

# II. Replies received from Governments

In the present chapter, the replies from Governments are reproduced except for that of Switzerland, which stated that it had no specific contribution to make.

## Algeria

[Original: French]
[24 May 2004]

1. Algeria fully supported resolution 58/7 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba and voted in favour of it.

2. Algeria fully supports paragraphs 2 and 3 of the resolution.

3. Accordingly, the Government of Algeria has not promulgated or applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States.

## Angola

[Original: English]
[18 May 2004]

1. The Republic of Angola has no restrictive measures that prevent it from engaging in free trade with Cuba.

2. The Republic of Angola respects and fulfils its duties in accordance with the principles of international law. Therefore, it will neither promulgate nor apply any laws that fail to respect such principles.

## Antigua and Barbuda

[Original: English]
[16 June 2004]

1. The Government of Antigua and Barbuda adheres to and complies fully with the purposes and principles enshrined in the Charter of the United Nations, in

particular the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation.

2. The Permanent Mission of Antigua and Barbuda to the United Nations is also pleased to report that the Government of Antigua and Barbuda, in keeping with paragraph 2 of resolution 58/7, refrains from promulgating and applying laws and measures of the kind referred to in the preamble of the aforementioned resolution, in conformity with its obligations under the Charter of the United Nations and international law, which, inter alia, reaffirm the freedom of trade and navigation.

**Argentina**

[Original: Spanish]
[5 May 2004]

1. The Government of the Argentine Republic has fully implemented the provisions of General Assembly resolution 58/7 and of previous resolutions concerning the economic, commercial and financial embargo imposed against Cuba.

2. On 5 September 1997, the Argentine Government promulgated Act No. 24,871, which establishes the legislative framework governing the scope of application of foreign legislation within the national territory. Under the Act, foreign legislation which is aimed, directly or indirectly, at restricting or impeding the free flow of trade and the movement of capital, goods or persons to the detriment of a given country or group of countries shall neither be applicable nor have legal effects of any kind within the national territory.

3. Article 1 of the Act provides that foreign legislation which seeks to have extraterritorial legal effects, through the imposition of an economic embargo or limits on investment in a given country, in order to bring about a change of government in a country or to affect its right to self-determination shall also be wholly inapplicable and devoid of legal effects.

4. Argentina's vote in favour of the adoption of General Assembly resolution 58/7 was an immediate and independent reflection of its traditional position in favour of eliminating this kind of unilateral measure, and its commitment to the Charter of the United Nations, international law and multilateralism.

5. Similarly, Argentina would like to refer to the explanation of vote given by the States members (Argentina, Brazil, Paraguay and Uruguay) and associate members (Bolivia and Chile) of the South American Common Market (MERCOSUR) when the relevant draft resolution was adopted, in which, aligning themselves with the nearly unanimous rejection by the international community of those unilateral measures, they stated that their application did not contribute to the promotion of a democratic system or to respect for and protection of human rights.

6. On that occasion, the States members and associate members of MERCOSUR also affirmed that the application of unilateral coercive measures contradicts the norms of international law, and at the same time affects the interests of third States, raises international tensions and weakens the fight against shared threats.

7. Argentina recalls that MERCOSUR and its associated countries have repeatedly rejected the embargo imposed on Cuba, in the General Assembly and in other international forums such as the General Assembly of the Organization of

American States, the Ibero-American Summit, the Latin American Economic System and the Summit Conference of the Rio Group.

**Armenia**

[Original: English]
[16 July 2004]

1. The Armenian legal regime contains no laws or measures of the kind referred to in resolution 58/7.

**Barbados**

[Original: English]
[27 April 2004]

1. Barbados has no laws which in any way restrict the freedom of trade and navigation in Cuba.

2. Barbados has consistently voted in favour of the General Assembly resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (most recently resolution 58/7) since it was first introduced in the General Assembly during the forty-sixth session in 1991.

**Belarus**

[Original: Russian]
[2 June 2004]

1. The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the Secretary-General's note (AED/CUBA/1/2004) of 19 April 2004, has the honour to forward to him the following official information of the Republic of Belarus in accordance with paragraph 4 of General Assembly resolution 58/7, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

2. The Republic of Belarus calls for the prompt lifting of the economic, commercial and financial embargo of the Republic of Cuba by the United States. The repeal of sanctions by the United States could be a prerequisite for future normalization of inter-State relations between the United States and the Republic of Cuba.

3. The Republic of Belarus advocates the inalienable right of every State to determine its own model of social development. All unilateral attempts by States to change the internal political system of other States through military, political, economic or other coercive measures are inadmissible.

4. The Republic of Belarus considers the further measures taken by the United States Government in May 2004 to tighten the embargo policy against Cuba to be a dangerous step not conducive to the strengthening of security and stability in the region and in the world as a whole.

5. The Republic of Belarus firmly upholds the principles of international law in its foreign policy. The legislation of the Republic of Belarus contains no laws,

decisions or measures, the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

6. Relations between the Republic of Belarus and the Republic of Cuba are marked by a high level of cooperation and increasing activity. A priority objective in its bilateral relations is the development of commercial and economic cooperation. The fifth session of the Belarusian-Cuban joint commission on commercial and economic cooperation, which took place in Minsk in May 2004, affirmed their mutual interest in and the significant potential for increasing the volume of bilateral trade and carrying out joint projects in various branches of the economy.

7. The Republic of Belarus will continue to undertake determined measures to strengthen cooperation and develop friendly relations with the Republic of Cuba.

8. The Permanent Mission of the Republic of Belarus to the United Nations takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

**Belize**

[Original: English]
[7 May 2004]

1. The Permanent Mission of Belize is pleased to report that, in accordance with resolution 58/7, as well as with all foregoing General Assembly resolutions on the embargo against Cuba, Belize has not promulgated or applied any law, regulation or measure, the extraterritorial application of which would affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation.

2. The Mission reaffirms its commitments to the purposes and principles enshrined in the Charter of the United Nations, particularly the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation, which also form fundamental principles of international law.

**Bolivia**

[Original: Spanish]
[7 June 2004]

1. The Government of Bolivia has not promulgated or applied any laws in support of the embargo against Cuba, considering that the latter is an obstacle to the normal development of States.

2. Bolivia further expresses its concern at the latest measures announced by the United States Government concerning the intensification of embargo measures and is aware of the harmful effects for countries' development resulting from the application of similar measures, which are contrary to international law and the principles enshrined in the Charter of the United Nations.

**Botswana**

[Original: English]
[2 June 2004]

1. The Republic of Botswana has never, and does not intend, to promulgate, apply or enforce any laws and measures of the kind referred to in General Assembly resolution 58/7. As reflected by its vote on resolution 58/7, Botswana is opposed to the continued adoption and application of such extraterritorial measures, and in that regard, supports the immediate lifting of the economic, commercial and financial embargo against Cuba.

**Brazil**

[Original: English]
[15 June 2004]

1. Brazil reiterates its position that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the principles and purposes of the Charter of the United Nations.

2. In accordance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11 and 58/7 Brazil did not promulgate or apply any law, regulation or measure the extraterritorial effects of which could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation. Brazil's legal system does not recognize the validity of the application of measures with extraterritorial effects.

3. Companies located in Brazil are subject exclusively to Brazilian legislation. Measures by any country which violate the provisions of resolution 58/7 and which attempt to compel the citizens of a third country to obey foreign legislation affect the interests of the international community as a whole and violate generally accepted principles of international law. Those measures should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

4. Governments not complying with resolution 58/7 should urgently take further steps to eliminate discriminatory trade practices and bring to an end unilaterally declared economic, commercial and financial embargoes.

**Bulgaria**

[Original: English]
[2 June 2004]

1. The Republic of Bulgaria does not use and has never used unilateral coercive economic measures. The Republic of Bulgaria does not accept the use of unilateral coercive economic measures against any country that are not authorized by relevant bodies of the United Nations or are inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravene the basic principles of the multilateral trading system.

**Burkina Faso**

[Original: French]
[9 July 2004]

1. As an active member of this Organization, the Republic of Cuba shares with all Member States the ideals of peace and solidarity advocated by the United Nations.

2. Cuba also maintains fraternal relations with other Member States, based on respect for the principle of sovereignty.

3. Burkina Faso therefore condemns the economic, commercial and financial embargo which has been unjustly imposed upon that fraternal and friendly State.

4. Burkina Faso expresses its concern, on the one hand, at the continued application of the Helms-Burton Act of 12 March 1996, the extraterritorial effects of which, inter alia, undermine the sovereignty of third States and their freedom of trade, and on the other hand, at the new economic and political measures adopted by the United States on 6 May 2004, to strengthen the embargo against Cuba.

5. The Government of Burkina Faso, believing in the virtues of dialogue and tolerance, and especially aware of the everyday sufferings of Cuba's civilian population and the most vulnerable social sectors, believes that the recent measures to strengthen the embargo are unjustified and calls for its prompt and complete lifting.

6. For its part, Burkina Faso has not adopted or applied any laws or measures of the type described in resolution 58/7.

**Burundi**

[Original: French]
[May 2004]

1. The Government of the Republic of Burundi has always advocated and supported the settlement of disputes between States by peaceful means and with respect for the independence and sovereignty of all. Also, the Government of the Republic of Burundi has always condemned all coercive measures for political or other motives imposed upon a sovereign State by another State or group of States, knowing from experience the cruelly devastating and destructive effects for the innocent population concerned, particularly the most vulnerable groups such as children and older persons. The Government of Burundi, therefore, has constantly complied with the spirit and the letter of all resolutions calling for the free movement of goods and persons, free trade, in short, the freedom of commerce and navigation. Faithful to those principles and determined to implement resolution 58/7 and the earlier resolutions on the same subject, the Government of Burundi does not intend to promulgate or apply any laws or measures which would strengthen the economic, commercial and financial embargo imposed against Cuba by the United States of America.

**Cambodia**

[Original: English]
[15 June 2004]

1. The firm stance of the Royal Government of Cambodia, which has been repeatedly expressed during the previous sessions of the General Assembly, is in support of the lifting of sanctions unduly imposed against the Republic of Cuba.

2. The Royal Government of Cambodia believes that the unfair embargo imposed on the Cuban people is against the principles of international law on freedom of trade and navigation.

3. Therefore, the Royal Government of Cambodia appeals to all States Members of the United Nations to take necessary measures to implement fully resolution 58/7.

**Cape Verde**

[Original: English]
[9 July 2004]

1. The Republic of Cape Verde, in accordance with the principles enshrined in the National Constitution and in conformity with the spirit of the Charter of the United Nations, which promotes solidarity, cooperation and friendly relations among countries and nations, has never promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 58/7.

**Central African Republic**

[Original: French]
[15 July 2004]

1. The Central African Republic, a country that cherishes peace and justice, cannot tolerate the imposition by a State Member of the United Nations against another State, unilaterally and in violation of international law, of any form of sanctions against its freedom of trade and navigation. The Central African Republic therefore fully supports the provisions of paragraphs 2 and 3 of resolution 58/7, in the interests of improved harmony in international relations.

**Chile**

[Original: Spanish]
[28 May 2004]

1. In strict compliance with its obligations under the Charter of the United Nations and international law, which, inter alia, provide for the freedom of trade and navigation, the Government of Chile has not promulgated or implemented laws or measures of the kind referred to in the preamble to resolution 58/7.

2. It should be pointed out that the Government of Chile is opposed to the economic, commercial and financial embargo imposed against Cuba and has therefore supported General Assembly resolution 58/7, in keeping with the statements made by heads of State and Government at the Ibero-American summits regarding the need to eliminate the unilateral application of economic and

commercial measures against other States which may affect the free development of international trade.

**China**

[Original: English]
[10 May 2004]

1. Sovereign equality, non-interference in other countries' internal affairs and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development, which brooks no interference by any other country.

2. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiation on the basis of equality and mutual respect for sovereignty. The economic, commercial and financial embargo imposed by the United States on Cuba, which has lasted for too long, serves no other purpose than to keep high tensions between two neighbouring countries and inflict tremendous hardship and suffering on the people of Cuba, especially women and children. The embargo, which remains unlifted, has seriously jeopardized the legitimate rights and interests of Cuba and other States as well as the freedom of trade and navigation and should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, be put to an end.

**Colombia**

[Original: Spanish]
[26 April 2004]

1. The Government of the Republic of Colombia, in accordance with the principles embodied in the Charter of the United Nations, has neither promulgated nor applied unilaterally any laws or measures against Cuba or any other State which could affect the free development of that State's economy or trade. Colombia has voted in favour of the resolutions submitted by Cuba every time that this matter has been addressed by the General Assembly.

**Congo**

[Original: French]
[18 June 2004]

1. The Republic of the Congo has always voted in favour of resolutions calling for the lifting of the economic, commercial and financial embargo imposed against Cuba by the United States of America, believing that this unilateral measure is discriminatory and goes against the provisions of the Charter and the principles of international law.

2. In accordance with the principles of the sovereign equality of States, non-interference in their internal affairs, and freedom of international trade and navigation, the Congo will continue to develop its economic and trade links with Cuba, based on shared interests and mutual advantage.

3. It will therefore once again, during the fifty-ninth session of the General Assembly, vote in favour of the draft resolution on ending the economic, commercial and financial embargo imposed against Cuba by the United States of America.

4. The Congo supports the normalization of relations between Cuba and the United States, in the interest of both parties and of their respective peoples.

**Costa Rica**

[Original: Spanish]
[11 May 2004]

1. In accordance with the freedom of international trade, Costa Rica enjoys trade relations with Cuba and does not apply any measures against trade with the island. Thus, Costa Rica and Cuba maintain normal trade relations.

2. Historically, the position of the Government of Costa Rica has, furthermore, been to oppose any measures involving economic pressure, whether they are imposed unilaterally in violation of international law, or within the framework of the United Nations or the World Trade Organization (WTO).

**Cuba**

[Original: Spanish]
[16 July 2004]

1. The accumulation of more than four decades of suffering by the Cuban people, resulting from their sovereign decision to resist the embargo imposed upon them, thereby preserving their independence and affirming their right to fashion their own model of development, is viewed with complete disdain by the Administration of United States President George W. Bush.

2. The 12-year-old, and now virtually unanimous, condemnation by the United Nations General Assembly of this genocidal mechanism — referred to euphemistically by the United States authorities as an "embargo" — is consistently ignored.

3. Nor does the Government of President Bush pay heed to the questions raised by its policy towards Cuba among broad sectors of American society, who are calling, with increasing determination, for that policy to be changed. Not only does this policy seek to stifle the Cuban people and influence their relations with third countries, but it also prohibits and restricts certain essential freedoms of the American people, some of which are even enshrined in their Constitution.

4. The period addressed by this report (the second half of 2003 and the first half of 2004) will be remembered as one of the most bitter and hostile periods in the history of this monstrous crime, which is called an "embargo".

5. The new measures introduced during this period by the United States Government have taken their place alongside the network of laws and regulations that have constituted the embargo against Cuba for more than four decades, and reveal its desperation at the failure of its attempt to isolate Cuba and subjugate its people through hunger and disease. The measures are intended as a means to

implement the plan to dominate the Cuban nation that has guided the activities of sectors of the far right in the United States for more than a century.

6. Such measures also continue to feed the hatred and thirst for vengeance of a minority and extremist group of Cuban origin, which does not hesitate to resort to terrorist practices against the people of Cuba, and to which President Bush owes a debt of gratitude, for its direct help in organizing and carrying out the fraud perpetrated in the 2000 elections in the state of Florida.

7. The following are some of the most notable events that occurred during the period covered by this report:

- On 30 September 2003 the Office of Foreign Assets Control (OFAC) of the United States Department of the Treasury issued a regulation banning the publication of scientific articles originating in countries subject to a sanctions regime by the United States Government, including Cuba. OFAC did so under the pretext that the publishing process — that is, "the revision, modification and printing" — would result in a "service" that added value to the articles in question, thereby violating the United States Trading with the Enemy Act. Following strong pressure from the United States scientific and academic community, the measure was suspended on 5 April 2004.

- On 10 October 2003, President Bush announced, from the White House, the establishment of the so-called Commission for Assistance to a Free Cuba, as well as measures to tighten controls and increase vigilance in implementing the bans imposed on travel to Cuba.

- On 9 February 2004, the United States Treasury Secretary, John Snow, introduced a further extraterritorial measure, announcing, in Miami, that OFAC would immediately block the property under United States jurisdiction of 10 companies, "owned by the Cuban Government or controlled by the Cuban Government or Cuban nationals", and specializing in promoting travel to Cuba and sending gifts. Those affected by the measure included companies based in Argentina, the Bahamas, Canada, Chile, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

- On the same day, the United States Treasury Secretary described the extent of the implementation of the United States President's decision to tighten controls over travel to Cuba, specifying the number of flights inspected, the fines imposed and the goods confiscated.

- On 26 February 2004, President George W. Bush signed Presidential Proclamation 7757, which introduced restrictions on the departure of vessels for Cuba from United States territory. The regulations for their implementation, issued by the United States Coast Guard Service on 8 July 2004, openly stated that the Service's objective was to "improve the implementation of the embargo against the Government of Cuba". The penalties include fines of up to $25,000 or five years' imprisonment, or both, as well as the confiscation of violators' vessels.

- During this period, the United States Government applied considerable pressure on banking institutions of third countries in order to hinder and impede Cuban financial transactions. Cuba uses such foreign exchange income

to import medicine, food and other consumables, as well as the inputs that it requires to run its economy and provide basic social services.

- The United States Government recently fined Union Bank of Switzerland $100 million for conducting financial transactions in dollars with certain countries, including Cuba.

- On 6 May 2004, President George W. Bush approved, in its entirety, the report of the so-called Commission for Assistance to a Free Cuba, which includes some 450 recommendations and proposals for new measures to overthrow the Cuban Revolution and install a puppet regime under the full control of the United States, which would exercise total domination over the Cuban nation.

- Finally, 30 June 2004 brought the entry into force of regulations strengthening the measures announced on 6 May, which constitute a violation of Cuban independence and sovereignty, as well as an unprecedented escalation of the massive and flagrant violations of the human rights of the Cuban people, of Cubans living in the United States, and of United States citizens themselves.

8. The economic, financial and commercial embargo applied and reinforced against Cuba by 10 United States administrations, and which now make up a complex framework of laws and regulations, is part of a broad policy of hostility and aggression waged against the very existence of the Cuban nation, viewed as a sovereign and independent development endeavour pursued by Cubans and for Cubans.

9. The voracious appetite of the United States for Cuba and its natural and human resources dates back to the very emergence of the American Union, when efforts began to annex Cuba through very disparate measures, ranging from failed attempts to purchase the country, to the provision of encouragement and support to annexationist forces within the Spanish colony, to direct military intervention and occupation.

10. The United States Governments of the nineteenth century never recognized the Republic of Cuba in Arms. On the contrary, on several occasions they impeded and cut off support channels set up by United States citizens and Cuban émigrés in that country to assist the Cuban people's struggle for freedom.

11. After the United States military intervention of 1898, which robbed the Cuban people of the right that they had earned to freedom after 30 years of unequal struggle, a "republic" was set up in Cuba that was forced to endure the humiliating guardianship afforded by a constitutional amendment, the Platt Amendment, which legitimized the island's neo-colonial status. For more than half a century, United States administrations subjected the Cuban people to their imperial domination and to the exploitation of the island's national wealth by its monopolies, aided by the complicity and submissiveness of successive corrupt Governments. They also imposed brutal military dictatorships whenever it was necessary to quell, through bloodshed, the just demands and the profound anti-imperialist sentiments that had grown stronger among the Cuban people.

12. A Creole oligarchy that was dependent on, and benefited from, the country's neo-colonial control structures showed that it was incapable of directing or even participating in a plan for genuine national development.

13. Following the triumph of the profound social revolution in 1959, the imperialist circles in the United States, which controlled the island and which rapidly perceived the example of the Cuban Revolution as a clear challenge to their plans for hegemonic domination, resolved to use their influence, through successive Republican and Democratic administrations, to initiate, support and gradually intensify over the years an undeclared war, aimed at re-imposing their domination over the Cuban nation or, failing that, simply crush its rebellious spirit.

14. The war in the economic, commercial and financial spheres was started against Cuba even before the revolutionary Government had adopted any measures affecting the United States companies which controlled the economic life of the country.

15. Alongside the encouragement, organization and funding of a mercenary invasion at Playa Girón (the Bay of Pigs); alongside numerous acts of terrorism, including sabotage against economic and social targets, assassination attempts against the main leaders, armed attacks on defenceless populations and families, and even acts of bacteriological aggression, alongside vicious and mendacious media campaigns conducted against the Cuban Revolution; alongside the support given to subversive forces and the funding of the counterrevolution, both on and outside the island; and alongside the cruel encouragement of illegal emigration, the complex and sinister network of measures, laws and programmes that today make up the unilateral embargo by the United States against the Cuban people began to take shape.

16. In 1992 the Torricelli Act was adopted, suddenly cutting off trade in medicine and food between Cuba and the subsidiaries of United States companies based outside United States territory, and introducing severe restrictions on maritime navigation to and from Cuba, thereby institutionalizing, through force of law, provisions that were clearly extraterritorial.

17. The application of the Torricelli Act was a severe blow to the Cuban people. It was conceived with the cynical and criminal intention of giving the coup de grâce and ruining a national economy that was undergoing severe difficulties following the sudden dissolution of its economic, commercial and cooperative ties with the former Soviet Union and the formerly socialist countries of Eastern Europe. When this gamble on the collapse of the Cuban revolution proved to be another failure in the policy of anti-Cuban hostility implemented by United States Governments, it was then decided to step up the economic, political and diplomatic war against the Cuban nation to a level unprecedented in the history of United States foreign policy.

18. In 1996 the Helms-Burton Act was adopted. One of its effects is to improve the various mechanisms of repression, extending them to the smallest economic, commercial and financial links between United States companies and the island. It also increases the number and scope of provisions having extraterritorial effect, with the aim of pursuing any transactions or business deals that might benefit the Cuban economy; tracks and penalizes foreign investors in Cuba; authorizes the funding of hostile, subversive and aggressive acts against the Cuban people, including a war of disinformation waged by radio, enhancing the broadcasts of the ineptly named Television and Radio Martí; and provides for a programme designed to destroy the constitutional system created by the Cuban people and impose a "regime change" that would realize the goals of imperialist circles in the United States aimed at dominating the Cuban nation.

19. Since that time, a long succession of further hostile and aggressive actions and measures has been introduced with a view to plugging any gap or opening found in the fence, or wall of sanctions set up to blockade Cuba.

20. According to figures released in 2004 by the National Statistics Office of the Republic of Cuba, 69 per cent of the resident population was born after 1959, which means that about 7 out of 10 Cubans were born and have lived through the unilateral sanctions regime imposed under the United States embargo.

21. According to an economic study carried out by the National Economic Research Institute, with the help of specialists from various Cuban ministries, companies and other institutions, the direct damage suffered by the Cuban people as a result of the embargo amounts to more than $79,325.2 million. It should be stressed that this calculation includes only the direct damage inflicted on our economy, and therefore does not take into account most of the indirect economic harm caused by these measures.[1] If the country had enjoyed access to those resources, their multiplying effect would have raised the living standard of its people.

22. For example, the study does not include the value of items whose production ceased due to the restrictions or the onerous conditions imposed on Cuba for obtaining investment or trade credits. If Cuba had been able to receive the average terms and conditions granted to other countries of a similar level of economic development in the region, the country's economy would show a much higher development level.[2]

23. It is inconceivable that, in a climate in which the international community is joining forces through cooperation to achieve essential and urgent development goals for all, the world's most powerful country economically and militarily, motivated by petty interests relating to its internal politics and its ambitions for world domination, is determined to withhold the scarce resources that could enhance the well-being and hasten progress on the part of a people that has clearly demonstrated its desire to share its own modest achievements and accomplishments, on an unconditional basis, with any country in the world.

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[1] See the annex, which contains a breakdown by sector of the damage and harm caused to the Cuban economy by the embargo imposed by the United States of America (cumulative figures up to 2003).

[2] A study conducted by the Centre for Research on the International Economy (CIEI) and the Centre for the Study of the Cuban Economy (CEEC), aimed at calculating the approximate level of direct United States investments lost by Cuba during the period 1990-2002, showed that during an initial three-to-five-year phase, annual investments might have reached a minimum of $100 million and a maximum of $400 million per year. The study looked at the value of United States investments in Cuba at the end of the 1950s and direct investment flows from the United States to countries of the Caribbean (Dominican Republic and Costa Rica) that could serve as reference points for the Cuban economy.

This is almost the same as the amount that was invested in the Cuban economy by other countries from 1990 onwards and that fuelled the development of major branches and sectors such as nickel, oil, tourism and telecommunications.

A 2001 report by the United States Trade Commission includes an estimate of the net flows that would go to the Cuban economy "in the absence of United States sanctions". Even though it underestimates the value of the Cuban economy, the Commission estimates the annual direct investment flow from the United States to Cuba at between $20 million and $40 million. Even on that basis, the investment flows lost over the period of 10 years would amount to between $200 million and $400 million.

24. Cuba does not represent any threat or danger to the United States. The world and broad sectors of American society are perfectly well aware of this fact. Not many people are still taken in by the false and hypocritical pretext of invoking the so-called protection of human rights as justification for the fierce hostility against the Cuban people.

25. How can the Government responsible for the most terrible and premeditated attacks against policies and programmes designed to promote economic and social development, well-being, security and the right to life of all Cubans seek to call itself a defender of Cuban human rights?

26. How could the Government that fabricates falsehoods in order to justify its "pre-emptive wars", which are in fact imperialist wars for the control of resources and geographical areas of considerable strategic importance, advance the cause of "democracy" in any part of the world?

27. Who will be convinced of the commitment to the "rule of law" by the Government that rides roughshod over the basic tenets of international law and disregards the agreements reached by important and global multilateral forums such as the General Assembly and the World Trade Organization; the same Government that demands immunity from the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in order to secure impunity for the brutal and humiliating practices ordered by its authorities for treating prisoners in Iraq and those who remain in arbitrary detention in the concentration camps established in territory illegally occupied by the United States Naval Base in Cuba's Guantanamo Bay?

28. How can a Government that has exacerbated the inequalities and injustices within American society, supported the dismantlement of affirmative action programmes for disadvantaged and marginalized minorities, such as its Latino and African-American citizens, and, with its social and fiscal policies designed to benefit the wealthy, caused the number of Americans without medical insurance to increase at a rate of one million per year "contribute" to the progress and well-being of the Cuban people?

29. It is impossible for the Bush Administration to maintain its hostile policy of the embargo and attacks against Cuba by invoking the so-called need to promote and protect human rights on the island. The Government that has made the most significant and rapid contribution to the undoing and discrediting of the international system for the promotion and protection of human rights has no credibility, no morals and no right to proceed in such a manner.

30. The Cuban people reject both the political and social organizational model that seeks to re-establish the United States Government on the island with a view to regaining the means for interfering and dominating and the neo-liberal formulas that that Government is attempting to impose on the restructuring and operation of the Cuban economy. Cubans believe that the plan proposed by the powerful circles of the super-Power does not solve the problems or meet the historical needs and interests of the Cuban nation and fails to respond to its aspiration to continue building a more just, democratic and equitable society.

31. In accordance with the provisions of article 2 (c) of the Geneva Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, the

embargo imposed against Cuba by the United States Government constitutes an act of genocide and, therefore, is an offence under international law.

32. There can be no ambiguity as concerns the condemnation of all acts of genocide and the need to put an end to them. The Cuban people cannot endorse any attempt to attenuate the rejection of the brutal embargo to which it is subjected.

33. Cuba trusts that the overwhelming majority of Governments around the world will, as nations and decent and honest individuals from far and wide have done, continue to recognize the vital importance of opposing the continued existence of an illegal and hostile policy of unilateral attacks that undermines the very foundations of multilateralism.

34. While the Cuban people know full well that the principal guarantee of their existence and development as a sovereign and independent nation resides in their determination to remain unified and to resist and overcome all threats or aggression, they are sincerely grateful for the support and solidarity of the international community. That support, as well as providing clear ethical, moral and legal guidance, shows that the battle that they are currently waging is of universal importance and serves the common objective of creating a better world, which is not just a possibility but rather a necessity to ensure the survival of mankind.

35. Cuba is submitting this report for the consideration of the international community. In the interest of brevity it refers essentially to the significance, for the tightening of the embargo, of the measures announced by President George W. Bush on 6 May 2004 and the relevant implementing regulations made public on 16 June.

36. A longer, more comprehensive report on the effects of the United States embargo against Cuba to date since the adoption by the General Assembly of its resolution 58/7 will be circulated as an official document under this agenda item.

**New measures against the Cuban people and economy**

37. As if the actions of the United States Government were not enough to prove its disregard for the present and future of the Cuban people, its disrespect for the will of the international community and its contempt for the legitimate interest of the American people in establishing normal and reasonable relations with Cuba, on 6 May 2004, during President Bush's presentation of the report of the so-called Commission for Assistance to a Free Cuba, new measures were announced. The report consists of a plan devised by the United States Government with a view to depriving Cuba of its independence and sovereignty by intensifying economic and political aggression in order to trigger internal instability, promote direct intervention to destroy the Revolution and perpetuate United States domination over the Cuban people.

38. The report contains new measures that are overtly interventionist and humiliating for the Cuban people and which significantly reinforce the economic embargo against the country and increase the violations of the human rights of its inhabitants, of Cubans residing in the United States and of United States citizens themselves.

39. These measures reinforce the unjust and discriminatory restrictions imposed on Cubans residing in the United States, the only national group in respect of which the Government of that country, in flagrant violation of its own Constitution,

arrogates the authority to determine the kind of relations that its members can have with their relatives and country of origin.

40. As well as intensifying the aggressiveness of the policy against Cuba, extending the embargo and seeking to implement "regime change", the report, consisting of six chapters and over 450 pages, crudely violates Cuban sovereignty by dictating the form to be taken by its State and economic structures, political system, social organization and legal order. It could not contain more lies, resentment and frustration directed at Cuba or interfere more in Cuba's internal affairs.

### 1. More restrictions on travel to Cuba

41. The new anti-Cuban measures announced on 6 May, the implementation of which was made public on 16 June by the Office of Foreign Assets Control (OFAC) of the United States Treasury Department, include a number of actions and provisions designed to reinforce the restrictions on travel to Cuba by Cubans residing in the territory of the United States by increasing the limitations on family contacts and to diminish, even further, important sources of income for the island, particularly those linked to its principal industry, namely tourism.

42. The Bush Administration has decided:

- To further limit the granting of permits issued for educational trips and academic exchanges to United States citizens and institutions, restricting them to the university level for stays of more than 10 weeks and ensuring that the issuance of the permits is solely dependent on whether the academic projects in question "directly support United States policy goals" regarding Cuba or, in other words, the overthrowing of the Cuban Revolution;
- To eliminate the possibility for American citizens to travel as "fully-hosted guests";
- To reduce the number of visits to Cuba by Cubans residing in the United States from one trip per year to one every three years. In addition, a specific permit is required for each trip, rather than the general permit required prior to the implementation of the new restrictions. This represents a direct attack on efforts to unite Cuban families and foster their relationships;
- To determine that Cubans who have recently arrived in the United States may travel to Cuba only three years after emigrating. Additional trips will not be permitted even in urgent situations;
- To limit the stay in Cuba of Cubans residing in the United States to 14 days;
- To limit the number of Cubans residing in the United States who have the right to visit Cuba, on the basis of an arbitrary reduction of the categories of relatives legally recognized as members of Cuban families. The United States Government ruled that the only relatives who can be visited in Cuba are "grandparents, grandchildren, parents, siblings, spouses and children". In other words, from now on, cousins, aunts or other close relatives will not be considered eligible for visits, regardless of the closeness of their emotional ties with Cubans residing in the United States;

- To reduce the amount of money that Cubans residing in the United States may spend daily when visiting Cuba from $164 to $50. Only $50 will be authorized for transport costs incurred inside the country during the course of the 14-day stay;

- To eliminate the permit authorizing the import into the United States of up to $100 worth of Cuban goods solely for personal use or consumption. It is now totally prohibited for travellers from Cuba to bring back into the United States any items acquired in Cuba, regardless of whether those items were bought or received as gifts;

- To restrict to 44 lbs. (19.8 kg) the baggage allowance for authorized travellers to Cuba, unless OFAC expressly authorizes them to exceed that weight;

- To eliminate the general permits issued for participation in amateur and semi-professional competitions held in Cuba under the auspices of an international sports federation. Henceforth, OFAC will authorize such activities only by issuing a specific permit and on a case-by-case basis. It is no longer possible to take part in specialist workshops and clinics, whether related to sports or other activities;

- To support activities in third countries that contribute to the tourist industry in Cuba designed to discourage nationals of those countries from visiting the island.

43. With the introduction of the new restrictions and the travel bans for American citizens and Cubans residing in the United States, the United States Government is once again undermining basic human rights enshrined in the International Bill of Human Rights, the Universal Declaration of Human Rights and both International Covenants. The violation of article 12 of the International Covenant on Civil and Political Rights is flagrant as regards freedom of travel, to which persons lawfully within the territory of any State are entitled, a principle that was reaffirmed by the General Assembly in its resolution 57/227, entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification".

44. In that resolution, the most representative principal organ of the United Nations called upon all States to guarantee "the universally recognized freedom of travel to all foreign nationals legally residing in their territory" and reaffirmed that "all Governments, in particular those of receiving countries, must recognize the vital importance of family reunification and promote its incorporation into national legislation in order to ensure protection of the unity of families of documented migrants".[3]

45. No other people have been subjected, as have the Cuban people, to similar levels of discrimination and political manipulation of their migratory relations by successive United States Governments. Under the criminal Cuban Adjustment Act and other government provisions, the United States authorities subordinate bilateral relations in the area of migration to their goals of destabilizing and discrediting the Cuban Revolution. Cubans who manage to enter United States territory illegally, regardless of whether or not the United States Interests Section in Havana has denied them an emigrant visa, or who, in the course of their unlawful transit to the

[3] Only three Governments, including that of the United States, the so-called champion of freedom and human rights, opposed the adoption of General Assembly resolution 57/227.

United States, have committed a crime against individuals or property will be welcomed and automatically granted legal residence in that country.

46. The recent measures adopted by the Bush Administration, measures that reinforce the discriminatory treatment of the Cuban emigrant community, show that the much vaunted preferential treatment accorded to Cubans who emigrate illegally to the United States and to those who benefit from the limited available quotas for legal emigration is not motivated by humanitarian concerns but rather by political manipulation.

47. As well as impeding the full exercise of human rights, the travel restrictions and bans that the United States Administration reinforces through such measures are illegal under its own laws. Travel to Cuba is not a question falling within the purview of administrative jurisdiction that a United States President can alter at his pleasure. This matter has remained subject to a law in force in that country since 2000.

48. The Bush Administration has rigorously tightened the embargo against Cuba. According to available information, at the end of last year, for example, the Office of Foreign Assets Control (OFAC) employed five times as many agents to pursue and investigate violations of the embargo against Cuba as it assigned to trace the financing of Al-Qaida.

49. Between 1990 and 2003, OFAC opened only 93 investigations related to international terrorism, while launching 10,983 inquiries with a view to preventing United States citizens from exercising their right to travel to Cuba. Following those 93 terrorism investigations, OFAC fined the accused a total of $9,425. However, it ordered United States citizens who had visited the island without permits from the United States Treasury Department to pay a total of $8 million.

50. In a report dated 9 February 2004, which can be found on its web site, OFAC noted with satisfaction that its Civil Penalties Division had at the time a docket of nearly 2,000 actions relating to violations of the Cuban embargo, and that the majority of such actions had resulted in monetary penalties. The report also stated that, between 10 October and 30 November 2003, OFAC had issued 348 new notices opening penalty actions for similar activities.

51. It is common to find reports and articles in the American press about United States citizens prosecuted for visiting Cuba. In April 2004, for example, two retirees from the state of Vermont, Wally and Barbara Smith, were obliged to pay a fine of $55,000. They were accused by OFAC of travelling four times to Cuba, spending money on the island and writing a book, *Bicycling in Cuba*, published in 2002.

52. The paranoid persecution of their own citizens knows no bounds. At the beginning of February 2002, OFAC informed Fred Burks and his girlfriend that they must pay a fine of $7,590 because they had visited the island in December 1999. Fred Burks, who has worked as an interpreter for Presidents William Clinton and George W. Bush, refused to pay the fine and is now awaiting a further, probably harsher, penalty.

53. In March 2003, OFAC announced that it would not renew permits for educational exchanges, i.e. so-called "people to people" exchanges. One obvious consequence of the implementation of this restriction is that, between January and

June of the current year, 26 per cent fewer United States citizens travelled to Cuba than during the same period in 2003.

54. It is widely known that approximately five years ago tourism became the Cuban economy's principal source of revenue, that development of this sector revitalized the other economic activities of the country, and that a large section of the Cuban population supplements its basic livelihood and benefits from social services financed, directly or indirectly, through the expansion of this industry. Furthermore, it is common knowledge that in the last decade tourist activity experienced an average annual increase of 10 per cent, in spite of the ruinous effects of the embargo and the global economic crisis.[4] It is no accident that the new measures are designed to sabotage and further block this vital sector of the Cuban economy.

55. Preliminary studies conducted by the Ministry of Tourism of Cuba concerning the foreseeable effects of the restrictions announced on 6 May indicate that the number of Americans travelling to the country will be considerably reduced. According to the Ministry's calculations, this will lead to a reduction in revenue of between $27 million and $38 million.[5]

56. In the case of travellers of Cuban origin, the new measures restrict not only the number of times they may visit their country (one visit per year every three years), but also how much money they may spend in Cuba. The study by the Ministry of Tourism estimates that by the end of 2004, the impact on the country will rise to $66 million.

57. In brief, because of the abusive measures described above, the Cuban economy will lose a revenue stream of between $93 million and $104 million from the tourism sector, beginning on 30 June 2004. This does not include the harm done by the actions in third countries encouraged by the United States authorities to deter tourism to Cuba, which damage it has so far been impossible to measure.

## 2. More restrictions on family remittances

58. There is wide international consensus on the importance to development, in particular in countries of the South, of remittances sent to families by members who have emigrated, and on the need for all States, both recipients and senders of remittances, to provide the possibilities and ensure the procedures needed to perform the usual operations involved in this type of international transfer of funds between family members living in different countries.[6]

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[4] Studies conducted in mid-2002 by the Brattle Group, of Washington, D.C., concluded that, if restrictions on travel to Cuba were lifted, 2.8 million Americans would travel to the island annually. The document, entitled *The Impact on the U.S. Economy of Lifting Restrictions on Travel to Cuba*, also analysed the economic benefits to be realized by United States airlines, travel agencies and tour operators should such restrictions be abolished.

[5] An optimistic assessment that allows for only 50 per cent fewer travellers than in 2003, or 42,000 people, staying for an average of five days each and spending an average of $130 per capita, concludes that revenue would thus be reduced by $27 million. Allowing for a reduction in the number of arrivals of up to 70 per cent in 2004, the economic impact will rise to $38 million.

[6] General Assembly resolution 57/227 calls upon "all States to allow, in conformity with international legislation, the free flow of financial remittances by foreign nationals residing in their territory to their relatives in the country of origin". It also calls upon them "to refrain from

59. Scarcely three years ago, in a speech entitled "Remittances as an instrument of development", the President of the Inter-American Development Bank (IDB), Mr. Enrique Iglesias, stated:

> "Remittances are an expression of the link between groups of emigrants and the communities from which they come. They are a means of promoting development, providing an important source of predictable capital, to both Governments and families, and through their role in maintaining better living standards in recipient households".

60. A study by IDB dated May 2004 entitled "Sending Money Home: Remittances to Latin America and the Caribbean" analysed the vital importance to numerous economies of the region of the flow of remittances from the United States and provided estimates by country. For example, $2,217 million were received last year by the Dominican Republic; $2,316 million by El Salvador; $2,106 million by Guatemala and $1,425 million by Jamaica.

61. The United States Government, stopping at nothing to inhibit the development potential of the Cuban people, took it upon itself to attack by means of these new measures something as natural and sensitive as remittances and family ties.

62. The recommendations put forward by the Commission for Assistance to a Free Cuba on 6 May, supported by the OFAC provisions of 16 June for their implementation, limit the range of both senders and recipients of remittances. Formerly any United States citizen, or Cubans residing in the United States, could send remittances to Cuba. Now only United States citizens and Cubans residing in the United States, having immediate family members on the island, may do so, subject to the Bush Administration's arbitrary definition of Cuban family members (grandparents, grandchildren, parents, siblings, spouses and children).

63. As a result, United States citizens are deprived of the right to send money to Cuban friends, and Cubans residing in the United States will be the only emigrants prohibited from sending economic aid to an ageing aunt, a cousin, another member of the extended family or, quite simply, a friend.

64. Among other measures that will affect the sending of remittances, demonstrating the Bush Administration's lack of respect for the dignity and political rights of the Cuban people, is the prohibition against the sending of remittances or parcels by Cubans residing in the United States to any relative who is an "official of the Government or a member of the Communist Party". Following the irrational logic of this restriction, it is easy to imagine the case of a 70-year-old woman living in Cuba who would be obliged to relinquish her political rights so as to receive the remittance sent to her by a son who had emigrated to the United States.

65. Under the OFAC regulations of 16 June, the amount that an authorized traveller may carry to Cuba in remittances has been reduced from $3,000 to $300. Before that, anyone visiting Cuba legally could carry remittances for up to 10 Cuban families, and many emigrants used this method.

66. It is obvious that, even though it is supposedly still possible to transmit the same amount of money via established banking institutions so licensed by the

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enacting, and to repeal if it already exists, legislation intended as a coercive measure that discriminates against individuals or groups of legal migrants by adversely affecting family reunification and the right to send financial remittances to relatives in the country of origin".

United States Treasury Department, all these new measures designed to limit the number of remitters and recipients and strictly control the methods of transmission will have the direct effect of reducing the sum of remittances finally received by the Cuban people.

67. The cruelty displayed by the United States Government through its restriction on family remittances stands in contrast to the unlimited resources sent to mercenaries acting in favour of its interests inside Cuba, and their family members, as indicated in the report cited above.

68. Another of their methods is particularly shameful and reminiscent of the "denunciations" promoted by Hitlerian gangs so as to increase the effectiveness of their round-ups and subsequent repression of Jews and Communists. The Bush Administration has decided to offer "rewards" to those who report on "violators" of the new regulations and, as if that were not enough, will direct its federal agencies to conduct "sting operations" to neutralize and suppress any activity "in violation" of the restrictions.

69. The vast majority of Cubans residing in the United States do not share the hostility of the United States Government with regard to Cuba, and wish to maintain normal and free-flowing relations with their country of origin and their family members, unrestricted by threats, denunciations or censure.

### 3. More extraterritorial harassment

70. As a pretext to uphold their unilateral policies of economic coercion, the United States authorities maintain that all countries have the right to choose their trading partners. Nevertheless, in the case of the Cuban embargo, it is obvious that the implementation of that policy greatly exceeds the simple rejection of a trading partner.

71. The Cuban embargo is an extremely aggressive and proactive policy that discourages and is hostile to foreign investment or any other type of commercial or financial links that the country is forging with the rest of the world. The current United States Government adopted, in their entirety, the recommendations of the report of the so-called Commission for Assistance to a Free Cuba, which calls for the strengthening of the effectiveness and extraterritorial reach of measures designed to suffocate the Cuban economy.

72. The first chapter of the report, devoted to measures to defeat the Cuban Revolution, recommends that the sanctions contained in Title IV of the Helms-Burton Act, which prohibit the granting of visas to enter the United States to foreign investors in Cuba, should be "aggressively pursued". It has even been decided to assign additional personnel and resources to carry out those provisions of the Act.

73. Furthermore, the report urges the United States authorities to conduct a rigorous analysis to determine whether the implementation of Title III of the Helms-Burton Act is contrary to United States interests or whether it would hasten the demise of the Cuban Revolution. In practical terms, it raises the possibility of bringing actions in United States courts against businessmen from third countries doing business with Cuba. This has so far been deferred thanks to international pressure.

74. In this connection, the new measures also provide for a country-by-country review, probably with a view to imposing selective categories of penalties and dividing the international community in its refusal to implement the extraterritorial measures of the Helms-Burton Act.

75. A few days after the announcement of these new anti-Cuban measures, the United States State Department applied more oil to its machinery of threats and blackmail against investors in Cuba. On 20 May 2004, the chairman of SuperClubs, the Jamaican hotel chain, received a disturbing notice from the State Department. The document reminded him that one of his hotel management contracts with Cuba contravened the provisions of the Helms-Burton Act, and that he and his family could therefore be denied a visa for travel to the United States. In addition, it informed him that, upon entry into force of Title III of said Act, he might incur considerable losses as Title III allowed for the initiation of legal proceedings against any foreign investors or businessmen "trafficking" in property "confiscated" in Cuba since 1959 from United States nationals or Cubans who became naturalized United States citizens.

76. Consequently, SuperClubs decided to cancel its management contract, signed a few months earlier with the Cuban hotel chain Gaviota, Inc., for the Hotel Las Dalias, located in Playa Pesquero, Holguín Province.

77. Although Cuban businesses operating in the international market do so with a clear legal status and are legally registered in strict compliance with the requirements set forth in the legislation of the countries where they have established themselves and are doing business — business that in absolutely every case involves legal activities which fully respect internationally established norms and practices — the report of the so-called Commission for Assistance to a Free Cuba relentlessly seeks to inhibit and hamper their growth. In this connection, it recommends "neutralizing Cuban Government front companies" and to that end suggests establishing the Cuban Asset Targeting Group for the purpose of investigating new ways in which hard currency is moved in and out of Cuba.

78. Even before the announcement of the new anti-Cuban measures, the Bush Administration had taken steps to obstruct relations between our country and various banking institutions around the world, thereby blocking the revenue that Cuba obtained through tourism, acquisition of dollars sold in foreign exchange offices, and other services, and deposited in foreign banks.

79. The United States Government thus puts pressure on foreign banks to refuse to change United States dollars collected by Cuba into other currencies. The process of the exchange and transfer of hard currency is indispensable to the Cuban State, inter alia for importing food and medicines, bearing in mind that the embargo prevents foreigners visiting Cuba from using credit cards or travellers' cheques issued by banks or other financial institutions of the United States, which are precisely the organizations that control that market. Remittances sent from overseas and payments made by foreign visitors on the island must in most cases be in cash.

80. Those funds, which come from absolutely legitimate sources, are channelled directly, inter alia, into purchasing fuel or other materials essential to the functioning of the national economy for progressively improving the people's standard of nutrition, and continuing to guarantee and increase universal access by

the Cuban people to a high standard of basic services in the areas of education, health and social assistance and protection.

**4. Other comments and necessary assessments**

81. The report of the Commission for Assistance to a Free Cuba recommends devoting an additional sum of more than $59 million to increasing international campaigns against Cuba and to the financing of internal subversion and of the mercenaries on the payroll of the United States Interests Section in Havana, who are hypocritically referred to in the document as the "political opposition".

82. Without any sense of shame, they seek to promote collusion by the international community in the mobilization and channelling of resources for the financing and recruitment of new mercenaries to strengthen the fifth column of Washington's anti-Cuban policies. The report thus seeks to obtain the collaboration of third countries in creating an "international fund for the protection and development of civil society in Cuba".

83. The report also calls for spending United States taxpayers' money to finance university scholarship programmes, in collaboration with the Organization of American States, "for the children of Cuban dissidents" — in other words, their mercenaries — "to study at Latin American universities".

84. Furthermore, on the basis of the lines of action proposed in the report, the United States Government would promote the financing of participation by non-governmental organizations from third countries in campaigns to discourage tourist travel to Cuba, a practice which Reporters without Borders has been pioneering with instructions and financing from the United States Central Intelligence Agency (CIA) and the Miami terrorist mafia, and in campaigns of propaganda and lies against Cuba.

85. The report also discusses the allocation of $5 million to finance the holding of conferences in third countries, dedicated to promoting "transition" in Cuba. In other words, money is being guaranteed so that those who derive profits from the counter-revolution business in Cuba may continue to enjoy generous subsistence allowances, pleasurable stays in luxury hotels and trips around the world in first class.

86. Another very serious and provocative measure is the allocation of $18 million to the broadcasting of the ill-named Radio and Television Martí via a United States Air Force EC-130 Commando Solo aircraft, which constitutes an irresponsible and illegal provocation contrary to law and to international aviation and telecommunications rules.

87. Flimsily disguised as "assistance to a free Cuba", the report approved by President George W. Bush contains a detailed description of the measures that Washington would impose if it succeeded in taking over our country. Cuban society would be completely controlled by the United States, which would dominate every one of its activities, without exception. A comprehensive description of such an extreme form of interventionism would be interminable. The following are a few aspects of the American plan, to give an idea of the degree of servitude and exploitation to which it would seek to subject the Cuban people:

- One of the first steps to be taken by the so-called "transitional government" would be to return properties to their former exploiters, including housing and land coveted by the annexationist, Batistian mafia;
- All areas of the economy would be privatized and would be controlled by a United States Government Standing Committee for Economic Reconstruction, to be established immediately;
- Subsidies and price controls on goods and services for the population would be eliminated;
- The social security and assistance regime would be dismantled, and pensions would not be paid;
- Privatization would be reintroduced in health and education services.

88. Deliberately seeking to discredit the unquestionable, internationally recognized achievements of the Cuban people in the areas of education and public health, the report calls for the creation, as part of the "transition" to be imposed upon Cuba, of institutions and services to improve health, nutrition, education and social services, through the introduction of "free enterprise" practices. It even goes as far as to consider encouraging involvement by United Nations agencies, funds and programmes in those plans.

89. The report avoids mentioning the fact that, in many countries, the commercialization and privatization of those basic social services, to which all human beings should be entitled, have been detrimental to the expansion of health-care coverage and to the achievement of the goal of education for all. This is the case in the United States, where 44 million people lack health insurance and guaranteed medical care.

90. Cuba's health-care and education systems achieved universal, high-quality free coverage many years ago, and are also undergoing profound upgrades in design and infrastructure in order to continue the process of revolutionizing them.[7]

91. The report ridiculously proposes that, during the aforementioned period of "transition", all children aged under five who have yet to be vaccinated against the main childhood diseases should be immunized. This formulation is simply

[7] The Cuban Ministry of Public Health is currently decentralizing services of intermediate complexity, to improve the probability of survival in health-related accidents, and to ensure improved access and well-being for the community. Before long, hospitals will be able to devote themselves to dealing with more complicated health problems requiring special treatment and the use of resources, facilities and costly technical means needed for that task. Improvements to the National Health Programme also include the strengthening of research institutions in that area, and new areas of work, particularly those dealing with projects related to the prevention of genetic diseases.

The *Human Development Report 2003* of the United Nations Development Programme (UNDP), which was devoted to the achievement of the Millennium Development Goals, ranks Cuba in fifty-second place on the human development index, above some countries in the region which have higher relative economic development. Cuba currently has the world's highest number of doctors per inhabitant (one doctor for every 168 inhabitants) and one of the healthiest populations in the hemisphere.

According to the Latin American Laboratory for Assessment of Quality in Education, Cuban students surpass the rest of the hemisphere's students in comparative national tests in the areas of languages, mathematics and physics.

nonsense; the whole world, and the United States authorities in particular, are perfectly well aware that all children in Cuba are vaccinated against 13 diseases before the age of two, something that the Washington authorities are unable to guarantee for children in their own country.[8]

92. The height of hypocrisy is that, while approving that measure, the United States authorities prevent Cuba from purchasing vaccines produced by United States companies. The Department of the Treasury recently imposed a fine upon the United States biotechnology firm Chiron Corporation, which had to pay $168,500 just because one of its European subsidiaries had sold to Cuba, between 1999 and 2002, two types of vaccines for Cuban children. That was the largest fine paid this year by an enterprise based in the United States.

93. If the Bush Administration were really interested in protecting the health of Cuban children, it need only remove the barriers limiting Cuba's acquisition of paediatric vaccines or other medicines such as cytostatics, which are vital for the treatment of various types of cancer affecting children in Cuba.

94. In a worthy expression of the humanist inclinations of the Cuban people, while the imperialist forces controlling the Government in Washington bring bombs and death, suffering and torture to several of the world's peoples, more than 20,000 doctors, other specialists and health personnel from Cuba save the lives of hundreds every day, including many children, in 64 countries in the world.

95. On 21 June 2004, responding to the anti-Cuban measures which the United States Government has begun implementing, President Fidel Castro publicly offered the United States Government the possibility of providing care in Cuba to 3,000 poor United States nationals, the same number as died in the attacks on the Twin Towers in New York on 11 September 2001.

96. That offer, inspired by the ethics of solidarity which characterize the Cuban people, involves the provision of free medical assistance to save the lives of those United States nationals over a period of five years.

97. Cuba has achieved significant progress in terms of the well-being of its people despite the scarcity of resources, very limited foreign development assistance, and the absence of soft loans, and in the midst of a real battle to resist the brutal economic, financial and commercial embargo imposed upon it for more than 40 years by United States Governments.

98. The anti-Cuban report approved by President George W. Bush on 6 May 2004 reaches the summit of imperialist interference, with the United States authorities nominating themselves to help create new political institutions and to draft laws, regulations and even a new constitution of the Republic once they have destroyed the Cuban Revolution. Logically, everything has been prepared in accordance with the voracity of American capital.

[8] Practically 100 per cent of children in Cuba are immunized by means of 10 vaccinations provided free of charge, protecting them against 13 diseases: poliomyelitis, diphtheria, tetanus, pertussis, tuberculosis, typhoid fever, measles, rubella, mumps, meningitis B and C and viral hepatitis B. Our scientists have recently succeeded in producing a vaccine against haemophilus influenzae. Seven of these 10 vaccines are produced in Cuba, thanks to the development achieved by the biotechnology and pharmaceuticals industry, and some of them, such as the vaccines against meningitis B and C and haemophilus influenzae, constitute Cuban contributions to world science.

99. Cubans remember very well, and with great indignation, that after the first United States military intervention in Cuba (1898-1902), the United States Government imposed a demeaning guardianship upon the birth of Cuba's first Constitution. The humiliating Platt Amendment was imposed as an appendix to that Constitution. Among other aberrations, it gave the United States full rights to intervene in Cuba whenever it perceived a danger to its interests. The Platt Amendment established the "legal" basis for the creation of the United States Naval Base, which illegally occupies part of the territory of the Cuban province of Guantanamo and is now the site of veritable concentration camps where the worst atrocities against human rights are being committed.[9]

100. The Cuban people also have not forgotten the type of "mutual benefit" that the United States has promoted historically in its commercial relations with Cuba. In 1903, it imposed upon Cuba a trade reciprocity treaty, under the threat of military intervention if it were not accepted. Needless to say, it was "reciprocal" only in name. Furthermore, under the stamp of the "Good Neighbour" policy of the 1930s, a new trade reciprocity treaty concluded in 1934 guaranteed advantages to the United States which were several times greater than those obtained by Cuba, and marked the death knell of the timid industrialization efforts by Cuba which had taken place some years before.

101. Although we must not underestimate the effect that a presidential election year in the United States may have had on the adoption and submission of the report of the Commission for Assistance to a Free Cuba, it should be noted that the new measures that it contains transcend electoral motives and are consistent with the escalating hostility and aggression which have characterized the Cuba policy of the administration of President George W. Bush.

102. For the Cuban people, the reality is that the embargo has become more severe. As a result, the difficulties of everyday life are increasing, the barriers and sabotage affecting Cuba's socio-economic development plans are worsening, and the people's right to self-determination is seriously threatened. The destiny of a people is being put at risk in exchange for a few votes in Florida.

103. In fact, President Bush's brutal anti-Cuban measures may rebound against his hopes of re-election. The numbers of United States citizens of Cuban origin are growing daily, as is the number of other American citizens who are becoming convinced of the need to end the insane and aggressive anti-Cuban policy of the fascist gang which accompanies the current Republican administration; and those citizens may express their dissatisfaction on election day.

104. The report submitted and the measures adopted constitute a programme brazenly designed to overthrow the revolutionary process and recolonize Cuba, with blatant contempt for principles laid down under international law and the Charter of the United Nations.

**Conclusions**

105. The Administration of President George W. Bush has escalated to unprecedented levels the hostility of its embargo policy against the Cuban people in its imperial arrogance, and unashamedly violates the basic principles of

[9] *On 28 June 2004*, the United States Supreme Court issued a ruling recognizing Cuban sovereignty over the territory of the Base.

international law and multilateralism and disregards the wishes expressed repeatedly and almost unanimously by the international community in successive resolutions adopted by the General Assembly.

106. The report of the so-called Commission for Assistance to a Free Cuba, presented on 6 May 2004 by President Bush, constitutes a flagrant violation of Cuban sovereignty. Furthermore, the measures implemented since 30 June 2004 on the basis of the report's recommendations brutally reinforce the economic, commercial and financial embargo which has been imposed on Cuba for more than 45 years, affecting areas of particular importance for the Cuban economy and clearly showing the deliberate intent to sabotage a people's chances for full development, a people whose only crime has been to defend their own unified vision of nationhood.

107. The application of the embargo by the United States Government against Cuba directly violates the basic human rights and fundamental freedoms of the Cuban people, of Cubans residing in the United States and of the American people themselves.

108. The new anti-Cuban measures announced by the Bush Administration on 6 May, aside from being profoundly humiliating and interventionist, are designed to overthrow the Cuban Revolution and dismantle the constitutional system chosen and overwhelmingly supported by the Cuban people. They seek to impose upon the Cuban people a reactionary "transition", bringing it back to the sad, humiliating situation that it experienced during more than 50 years of neo-colonial domination, in the position of a republic under the guardianship which had been imposed on it by the United States.

109. The United States Government has returned to its mistaken practice of presenting new measures and proposals for the "future" of Cuba, but it has overlooked a small detail: it is not taking into account the will, political culture, history, needs, priorities and aspirations of the Cuban people themselves.

110. The "humanitarian" Administration of President George W. Bush cynically claims to be promoting democracy and the enjoyment of the human rights of Cubans, through actions which merely worsen the genocidal nature of his policy towards Cuba, seeking to destroy, by means of hunger and disease, the Cuban people's belief in their own sovereignty and independence. According to the mentality of Washington, if Cubans refuse to "change" and to submit to the dictates of the United States, they deserve no other fate than to perish.

111. Families in Cuba will be particularly affected by the impact of the measures announced on 6 May 2004 by the United States Government. The restrictions already in place on family reunification, which result from measures adopted in the past by the American authorities, will be brutally tightened.

112. Despite the exceptional rejection which the nature and the extraterritorial application of the embargo have elicited among the international community and contrary to the frantic defence of economic and commercial neo-liberalism by the United States Government, the latter persists in obstructing, by means of threats and persecution, Cuba's relations with third countries.

113. Cuba will not capitulate in the defence of its independence; it knows that its resistance supports the struggles of many peoples of the world for a more decent life

and for the right to develop under more just and sustainable conditions. Neither will it give up the possibility of having unimpeded relations with the American people, based on mutual respect.

114. The Cuban people are confident that, at a time when the United States Government is irresponsibly threatening their right to life, development, peace and self-determination, the international community will firmly and clearly call for an end to the economic, commercial and financial embargo which has been imposed upon them.

**Annex**

**Damage and harm caused to the Cuban economy by the United States embargo (Cumulative figures up to 2003)**

| | *Millions of dollars* |
|---|---|
| Lost income from exports and services | 36 225.4 |
| Losses from geographical relocation of trade | 18 049.7 |
| Impact on production and services | 2 847.5 |
| Technological embargo | 8 265.4 |
| Impact on services to the population | 1 546.3 |
| Financial and monetary impact | 8 348.5 |
| Incitement to emigration and brain drain | 4 042.4 |
| **Total impact of United States embargo** | **79 325.2** |

**Cyprus**

[Original: English]
[6 May 2004]

1. Cyprus does not favour any attempt to enforce laws in its territory that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

**Democratic People's Republic of Korea**

[Original: English]
[27 May 2004]

1. It is a consistent position of the Government of the Democratic People's Republic of Korea to oppose the imposition of all kinds of unilateral sanctions on sovereign States.

2. The United States has imposed a consecutive economic, commercial and financial embargo against Cuba and recently announced the new measures for sanctions under the pretext of "accelerating the democratic transition" of Cuba. This is not only a wanton violation of independence of a sovereign State but also a revelation of unilateral arbitrariness, ignoring the Charter of the United Nations and principles and norms of international law.

3. The Government of the Democratic People's Republic of Korea denounces all kinds of embargoes and sanctions imposed by the United States in order to break the will of the Cuban people for defending the socialist system and strongly urges the United States to end right away the economic, commercial and financial embargo against Cuba in accordance with resolution 58/7.

**Democratic Republic of the Congo**

[Original: French]
[14 June 2004]

1. The Democratic Republic of the Congo fully supported resolution 58/7 and voted in favour of it.

2. Accordingly, the Congolese Government has neither promulgated nor applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States.

3. The Democratic Republic of the Congo reiterates its opposition to the maintenance of the economic, commercial or financial embargo imposed on Cuba by the United States of America, since it constitutes a flagrant violation of the purposes and principles of the Charter of the United Nations, which provides that Member States are obliged to resolve their disputes by peaceful means.

4. The Democratic Republic of the Congo expresses its apprehension at the effectiveness of the latest economic and political measures announced on 6 May 2004 by the Government of the United States of America against Cuba, which affect Cuban families in these two neighbouring countries and constitute a new attempt to destabilize a sovereign Government.

5. The sanctions against Cuba violate the principles of free trade established by the World Trade Organization (WTO) and other, regional specialized organizations such as the Free Trade Area of the Americas (FTAA) which is encouraged by the United States of America.

6. Concerning principles, the Democratic Republic of the Congo, which respects the provisions of international law, has neither promulgated nor applied any laws of the kind referred to in General Assembly resolution 58/7.

**Dominican Republic**

[Original: Spanish]
[15 June 2004]

1. In its international relations, the Dominican Republic acts in accordance with the standards and principles governing relations of cooperation and exchange among nations, based on the Charter of the United Nations and other rules of international law. It therefore does not promulgate or apply laws which contravene those standards and principles.

**European Union**

[Original: English]
[16 June 2004]

1. The European Union believes that United States trade policy towards Cuba is fundamentally a bilateral issue. Nevertheless, the European Union and its member States have clearly expressed their opposition to the extraterritorial extension of the United States embargo, such as that contained in the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

2. It should be underlined that, in November 1996, the Council of Ministers of the European Union adopted a regulation and a joint action to protect the interests of natural or legal persons resident in the European Union against the extraterritorial effects of the Helms-Burton legislation, which prohibits compliance with that legislation. Moreover, on 18 May 1998, at the European Union/United States Summit in London, a package was agreed covering waivers to titles III and IV of the Helms-Burton Act; a commitment by the United States administration to resist future extraterritorial legislation of that kind; and an understanding with respect to disciplines for the strengthening of investment protection. The European Union continues to urge the United States to implement its side of the 18 May 1998 Understanding.

**Gambia**

[Original: English]
[29 June 2004]

1. The Gambia fully shares the concerns raised in resolution 58/7 and expresses the hope that States would refrain from imposing economic, commercial and financial embargoes on other States. The Government of the Gambia has not promulgated or applied any laws or measures with extraterritorial application or with aim of undermining the free flow of international trade.

2. The Gambia strongly believes and supports the amicable resolution of all disputes, be they political, economic, commercial or financial. We will continue to fulfil our obligations under the Charter of the United Nations.

**Ghana**

[Original: English]
[15 July 2004]

1. Consistent with its respect for and commitment to the Charter of the United Nations and international law, the Republic of Ghana supports the principles and purposes of resolution 58/7, including paragraphs 2 and 3 contained therein. Consequently, Ghana has neither promulgated nor sought to apply any laws or measures the extraterritorial effects of which affect the sovereignty of other States. Indeed, in the specific instance of Cuba, Ghana maintains an active arrangement of bilateral cooperation, including in the education and medical fields.

**Greece**

[Original: English]
[20 May 2004]

1. Greece has been implementing said resolution in the light of the purposes and principles of the Charter of the United Nations and international law and has never thus far promulgated or applied laws and regulations of the kind referred to in resolution 58/7, by which an economic, commercial and financial embargo against Cuba would be applied.

2. Furthermore, Greece has signed bilateral agreements with Cuba on economic cooperation and on protection of investments.

**Grenada**

[Original: English]
[15 June 2004]

1. The Government of Grenada recognizes the principle of the sovereign equality of States and reiterates that it neither promulgates nor applies any law or measure which would encroach on or undermine the sovereign rights of any State.

2. In recognition of the purposes and in adherence to the principles of the Charter of the United Nations and International Law, Grenada does not support the negation of or hindrance to the freedom of international trade and navigation by any State and thus does not condone any unilateral application of economic and trade measures that affect the free flow of international trade.

3. Grenada, therefore, strongly opposes the economic, commercial and financial embargo imposed by the United States against the Republic of Cuba, and unreservedly supports resolution 58/7, which calls for the lifting of those measures.

**Guatemala**

[Original: Spanish]
[11 May 2004]

1. There are no legal or regulatory impediments in Guatemala to the freedom of transit or trade with the Republic of Cuba. Also, it is the policy of the Government of Guatemala to reject any coercive measure that runs counter to the provisions of international law.

**Guinea**

[Original: French]
[16 June 2004]

1. The Guinean Government reaffirms its unfailing commitment to the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs, and the freedom of international trade and navigation.

2. Owing to this fundamental feature of its foreign policy, the Republic of Guinea has always refrained, and will always refrain, from promulgating or applying economic or trade laws and measures that negatively affect the freedom of international trade.

3. Consequently, the Guinean Government, convinced of the necessity of safeguarding international law, lends its complete support every year for the lifting of the economic embargo against Cuba imposed by the United States of America.

**Guyana**

[Original: English]
[22 April 2004]

1. The Republic of Guyana has not promulgated or applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States. It is thus fully in observance of resolution 58/7 and is committed to continuing support.

**Haiti**

[Original: French]
[28 July 2004]

1. The Republic of Haiti has refrained from promulgating and applying unilateral laws and regulations that contravene the principles of the Charter of the United Nations, international law and the freedom of trade and navigation and the extraterritorial effects of which undermine the sovereignty of other States.

**Holy See**

[Original: English]
[27 April 2004]

1. The Holy See has never applied any economic, commercial or financial laws or measures against Cuba.

**India**

[Original: English]
[14 June 2004]

1. India has not promulgated or applied any laws of the type referred to in the preamble of resolution 58/7 and, as such, the necessity of repealing or invalidating any such laws or measures would not arise.

2. India has consistently opposed any unilateral measures by countries which impinge on the sovereignty of another country. These include any attempt to amend the application of a country's laws extraterritorially to other sovereign nations.

3. India recalls the Final Documents adopted by the Thirteenth Summit Conference of Heads of State or Government of the Movement of the Non-Aligned countries held in Kuala Lumpur, Malaysia, in February 2003 on the subject and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

**Islamic Republic of Iran**

[Original: English]
[14 June 2004]

1. Unilateral economic measures, as a means of political and economic coercion against developing countries, contradict the letter and spirit of the Charter of the United Nations in promoting solidarity, cooperation and friendly relations among the nations of the world. In addition, such measures contravene all laws, principles and norms governing international relations in the field of global trade, adversely affecting commercial and economic interactions among countries, and prevent the creation of an international enabling environment.

2. The use of unilateral economic measures, as a means of political and economic coercion against developing countries, has been condemned by decisions and resolutions of various bodies of the United Nations, particularly by those of the General Assembly and the Economic and Social Council. Nevertheless, the international community should become more vocal about the necessity of repealing them and about the prevention of similar actions.

3. Adoption and application of unilateral coercive measures has impeded the full achievement of economic and social development by the populations of the targeted countries, including by that of Iran. These measures, in particular, hinder the well-being of children and women, and create obstacles to sustainable development and the full enjoyment of their human rights, including their right to a standard of living adequate for health and well-being and their rights to food, medical care and the necessary social services.

4. Resorting to unilateral economic coercive measures jeopardizes the legitimate economic interests of the targeted developing countries and hampers the efforts of the international community in providing equal opportunities for all countries to benefit from the international economic, financial and trade system. In this context, while the United Nations system and other relevant international and multilateral organizations are redoubling their efforts towards the creation and strengthening of such a conducive environment, it is necessary to consider the ways and means for compensating the losses of targeted countries by those who resort to such unilateral measures.

**Jamaica**

[Original: English]
[16 June 2004]

1. Jamaica attaches great importance to the principles and purposes of the Charter of the United Nations and international law and adheres firmly to the principles of the sovereign equality of States, non-interference in the internal affairs of States and peaceful coexistence. We therefore continue to oppose the extraterritorial application of national legislation which is contrary to those principles.

2. Jamaica reaffirms its support of General Assembly resolutions which call for an end to the economic, commercial and financial embargo against Cuba as it believes such actions are contrary to the Charter and impose artificial barriers to trade and cooperation.

3. Jamaica is of the view that constructive engagement and peaceful negotiations remain the most acceptable means for advancing peace and stability in accordance with the principles of the peaceful settlement of disputes.

4. The Government of Jamaica has not promulgated any law, legislation or measure that would infringe on the sovereignty of any State or on its lawful national interests, or obstruct the freedom of trade and navigation.

**Japan**

[Original: English]
[2 June 2004]

1. The Government of Japan has not promulgated or applied laws or measures of the kind that are referred to in paragraph 2 of resolution 58/7.

2. The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issue. However, Japan shares the concern, arising from the Cuban Liberty and Democratic Solidarity Act of 1996 (known as the Helms-Burton Act) and the Cuban Democracy Act of 1992, regarding the problem of extraterritorial application of jurisdiction, which is likely to run counter to international law.

3. The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances, and its concern remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 58/7.

**Kazakhstan**

[Original: Russian]
[15 June 2004]

1. The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the United Nations Secretariat and, in response to its letter (AED/CUBA/1/2004), has the honour to request that the following information be included in the report of the Secretary-General on the implementation of General Assembly resolution 58/7, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", which is to be submitted to the General Assembly at its fifty-ninth session:

> The Republic of Kazakhstan has not promulgated or applied any regulations, the extraterritorial effects of which affect the sovereignty of other States.

2. The Permanent Mission of the Republic of Kazakhstan to the United Nations takes this opportunity to convey to the Secretariat the renewed assurances of its highest consideration.

**Kenya**

[Original: English]
[13 June 2004]

1. The Government of Kenya fully supports resolution 58/7, and it has never promulgated or applied laws and measures which hinder freedom of international trade and navigation.

**Lao People's Democratic Republic**

[Original: English]
[27 April 2004]

1. It is unfortunate that the embargo imposed by the United States of America over the past years against Cuba, an independent and sovereign country, continues to be in effect. Such an embargo with its extraterritorial implications has not only hindered the progress of Cuba in its socio-economic development and caused untold suffering to its people, but has also violated the principles of international law and those of the sovereign equality of States as well as of freedom of international trade and navigation. As far as the Lao People's Democratic Republic is concerned, in adhering to and complying with all principles and purposes enshrined in the Charter of the United Nations and international laws, it has neither promulgated nor introduced any laws and measures of the kind referred to in paragraphs 2 and 3 of resolution 58/7.

**Lebanon**

[Original: Arabic]
[30 June 2004]

1. The position of the Government of Lebanon consists in adherence to the substance of resolution 58/7 in accordance with international law and the principles of the United Nations which stress the need to respect the sovereignty of States.

**Libyan Arab Jamahiriya**

[Original: Arabic]
[3 June 2004]

1. The Libyan Arab Jamahiriya reaffirms its strong opposition to unilateral coercive measures aimed at the achievement of political goals. Differences between States cannot be resolved by sanctions, but rather by the peaceful means provided for in the Charter of the United Nations.

2. The Jamahiriya has consistently demonstrated its adherence to the Charter of the United Nations and the principles of international law and has never enacted or applied any laws such as those referred to in operative paragraphs 2 and 3 of General Assembly resolution 58/7.

3. For nearly two decades the Libyan Arab Jamahiriya was the victim of coercive measures imposed on it by the United States and a number of other States that were similar to those imposed on Cuba. This was the object of General Assembly resolution 57/5, adopted on 16 October 2002, which expressed "deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures

on trade and financial and economic cooperation, including at the regional level, because they are contrary to recognized principles of international law" and called "upon all States not to recognize or apply unilateral extraterritorial coercive economic measures imposed by any State".

4. The Libyan Arab Jamahiriya, which voted in favour of General Assembly resolution 58/7 of 18 October 2003, reaffirms its strong opposition to the economic, commercial and financial embargo imposed by the United States on Cuba, which it considers a violation of the Charter of the United Nations and the principles of international law concerning relations among States that thwart development efforts and the enjoyment of human rights in Cuba.

**Liechtenstein**

[Original: English]
[28 April 2004]

The Government of the Principality of Liechtenstein has not promulgated nor applied any laws or measures of the kind referred to in the preamble to resolution 58/7. The Government of the Principality of Liechtenstein is furthermore of the view that legislation, the implementation of which entails measures or regulations that have extraterritorial effects, is inconsistent with generally recognized principles of international law.

**Malaysia**

[Original: English]
[28 May 2004]

1. Malaysia, along with 179 other members of the United Nations, voted in favour of resolution 58/7. It also supported earlier resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9 and 57/11 related to the same subject.

2. Malaysia would like to reaffirm its commitment to the principles as contained in those resolutions, namely the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation. It strongly believes that no States should have the right to exercise a unilateral economic, commercial and financial embargo on other States, contrary to those principles.

3. Malaysia also wishes to reaffirm its full support for the position taken by the Non-Aligned Movement as stipulated in the Final Document of the Thirteenth Non-Aligned Movement Summit adopted in Kuala Lumpur on 25 February 2003, which states the following:

> "The Heads of State or Government again called upon the Government of the United States of America to put an end to the economic, commercial and financial embargo against Cuba which, in addition to being unilateral and contrary to the United Nations Charter and international law, and to the principle of neighbourliness, is causing huge material losses and economic damages to the peoples of Cuba. The Heads of State or Government once again urged strict compliance with the resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9 and 57/11 of the United Nations General Assembly. They expressed deep concern over the widening of the

extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it. The Movement also urged the United States Government to return the territory now occupied by the Guantanamo Naval Base to Cuban sovereignty and to put an end to aggressive radio and TV transmission against Cuba".

4. Malaysia is concerned with the continued application of a unilateral embargo against Cuba, which runs contrary to the Charter of the United Nations and against the principles of international law. It therefore urges States that apply or implement such unilateral measures against Cuba to immediately end their practices and to resolve their differences through dialogues and negotiations.

5. Malaysia strives to strengthen its bilateral relations with Cuba as well as with other countries based on mutual benefit and respect. Malaysia further believes that the relations with Cuba, especially in the fields of economy and trade, will be further enhanced in the absence of a unilateral embargo imposed against the latter by other States. In view of this, Malaysia reiterates its full support of the international community's efforts, as contained in resolution 58/7 and other relevant resolutions, in calling for the end of the unilateral economic, commercial and financial embargo being imposed by the United States against Cuba.

**Maldives**

[Original: English]
[23 June 2004]

1. The Maldives supports resolution 58/7 and voted in favour of it. The Maldives has not enacted any laws or regulations that would contravene the provisions of the resolution.

**Mali**

[Original: French]
[15 June 2004]

1. The Government of Mali is in favour of lifting unilateral economic sanctions imposed on Cuba in violation of the Charter of the United Nations and the principles of international law.

2. The Government of Mali has always refrained and will continue to refrain from promulgating or applying laws and measures affecting not only the sovereignty of other States but also the freedom of economic, commercial and financial exchanges.

3. The Government of Mali therefore urges Member States that continue to apply laws and measures imposing the economic, commercial and financial embargo against Cuba to take the necessary steps to repeal or invalidate them as soon as possible, in accordance with paragraph 3 of General Assembly resolution 58/7.

4. Lastly, the Government of Mali reaffirms its commitment to strict respect for the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, non-interference in the internal affairs of other States and the establishment of friendly relations between all nations that cherish peace and justice.

## Mexico

[Original: Spanish]
[3 June 2004]

1. Mexico rejects the application of laws or unilateral measures for an economic embargo against any country. Also, Mexico has always rejected the use of coercive measures as a means of exerting pressure in international relations, because it considers that unilateral acts of this nature endanger State sovereignty, violate the principles of Mexico's foreign policy and are contrary to international law.

2. Mexico's external relations are based on the principles of international law which govern coexistence among nations and are established in its Constitution: self-determination of peoples, non-interference, peaceful settlement of disputes, prohibition of the threat or use of force in international relations, legal equality of States, international development cooperation and the struggle for international peace and security.

3. The Government of Mexico has repeatedly expressed its opposition to the imposition of political or economic sanctions which have not been adopted by the Security Council and other measures not recommended by the General Assembly. Mexico opposes the economic, commercial and financial embargo imposed upon Cuba and, since 1992, has consistently supported all the General Assembly resolutions on the need to end it.

4. When the so-called Helms-Burton Act was promulgated, the Government of Mexico stated at the time that the Act was contrary to the norms of international law. This position was echoed in the opinion handed down on 4 June 1996 by the Inter-American Juridical Committee.

5. On 23 October 1996, the Act on Protection of Trade and Investment against Foreign Norms which Violate International Law, better known as the "Antidote Act" to the Helms-Burton Act, entered into force in Mexico. Its purpose is to counteract the extraterritorial effects of any foreign norm that violates international law to the detriment of any State. The Act:

- Prohibits national courts from recognizing and executing foreign judicial decisions and orders which are directed against companies established or situated in Mexico and based on foreign laws with extraterritorial effects that are contrary to international law;
- Prohibits enterprises established or situated in Mexico from acting or neglecting to act in a manner which might impair Mexico's trade or investments on the basis of such laws;
- Provides for the right to take legal action before federal courts on behalf of individuals or legal entities situated or established in Mexico to sue for payment for damages or loss resulting from a judicial or administrative procedure carried out by foreign courts or authorities in application of such laws;
- Prohibits the provision of information requested by foreign courts or authorities on the basis of such laws for use against such enterprises, and imposes financial penalties for non-compliance.

6. In budgetary and financial spheres, the Government of Mexico has not promulgated or applied laws or unilateral measures relating to an economic or financial embargo against any country.

7. Mexico supported the entry of the Republic of Cuba into the Latin American Integration Association (ALADI) as of 25 August 1999. On 17 October 2000, Mexico and Cuba signed Economic Complementarity Agreement No. 51 (ECA No. 51), which took the place of Acuerdo de Alcance Parcial No. 12. On 30 May 2001, a bilateral agreement for the reciprocal promotion and protection of investments was signed, which entered into force on 5 April 2002. On 17 April 2002, a Protocol was adopted modifying Economic Complementarity Agreement No. 51 between Mexico and Cuba (ECA No. 51), limited to the conditions set forth for ECAs by the treaty establishing the Latin American Integration Association (ALADI). Subsequently, on 23 May 2002, the Second Additional Protocol to Agreement No. 51 was signed, modifying provisions relating to the origin regime. These mechanisms help to strengthen economic relations with Cuba.

8. Paragraphs 2 and 3 of General Assembly resolution 58/7 call upon all States to refrain from promulgating and/or to repeal laws the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation. Within the context of the Organization of American States, Mexico has, since 1996, supported the draft resolution on free trade and investment in the hemisphere.

9. At the Thirteenth Ibero-American Summit held in Santa Cruz de la Sierra, Bolivia, on 14 and 15 November 2003, with the participation of President Vicente Fox, a paragraph in the Final Declaration was adopted in which the leadership reiterated their rejection of unilateral, extraterritorial application of laws and measures which contravene international law and freedom of world markets, navigation and trade, and therefore, directly urged the Government of the United States of America to put an end to the application of the Helms-Burton Act.

10. Mexico supports the resolution on the lifting of the embargo against Cuba, since unilateral measures affecting the sovereignty of States and their freedom of trade contravene the principles of Mexico's foreign policy and the spirit of the Charter of the United Nations.

11. In conclusion, the foregoing demonstrates that the Government of Mexico is in full compliance with resolution 58/7.

**Monaco**

[Original: French]
[18 May 2004]

1. In accordance with the purposes and principles set forth in the Charter of the United Nations and the general principles of international law, the Principality of Monaco has neither adopted nor applied any law or measure of the kind referred to in resolution 58/7, adopted by the General Assembly on 4 November 2003.

**Mozambique**

[Original: English]
[20 July 2004]

1. Mozambique unconditionally supports the provisions of resolution 58/7 and appeals to the United Nations to ensure that the application of the said resolution is taken into consideration by Member States.

**Myanmar**

[Original: English]
[28 May 2004]

1. The Government of the Union of Myanmar continues to strongly maintain its consistent policy of strict adherence to the purposes and principles enshrined in the Charter of the United Nations. Myanmar, as one of the co-initiators of the Five Principles of Peaceful Coexistence, has scrupulous respect for the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of trade and international navigation.

2. The Union of Myanmar is of the view that the promulgation and application by Member States of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction as well as the freedom of trade and the freedom of navigation, violate both the spirit and letter of the Charter of the United Nations and the universally adopted principles of international law.

3. Furthermore, the Union of Myanmar is of the view that the imposing of an economic, commercial and financial embargo against Cuba adversely affects the Cuban people, and can only bring about negative impacts on children, women and the elderly. Myanmar also believes that these measures will adversely affect the peace and stability of the region.

4. Having such a view, the Union of Myanmar has not promulgated any law and regulations of the kind referred to in the preamble to resolution 58/7. In the spirit of resolution 58/7, adopted by the General Assembly on 4 November 2003, Myanmar strongly urges States that continue to apply such laws and measures to take the necessary steps to repeal or invalidate them.

**Namibia**

[Original: English]
[2 June 2004]

1. The Government of the Republic of Namibia's position is that it continues to believe that the new century provides an opportunity to all Member States of the United Nations to create a world free of deprivation. The Government of the Republic of Namibia strongly condemns the Helms-Burton Law, which has a wide extraterritorial nature and is a direct violation of State sovereignty and a serious breach of the principles of the international trade system.

2. The Government of the Republic of Namibia calls for the immediate lifting of the economic, commercial and financial embargo imposed by the United States of America against Cuba.

**Nauru**

[Original: English]
[16 July 2004]

1. The Republic of Nauru voted in full conformity with resolution 58/7.

2. Furthermore, Nauru has not promulgated or applied laws or measures against Cuba that would prohibit economic, commercial or financial relations between the Republic of Nauru and the Republic of Cuba.

3. The Government of Nauru is opposed to the continued adoption and application of such extraterritorial measures and in this respect, supports the immediate lifting of the economic, commercial and financial embargo against Cuba.

**Norway**

[Original: English]
[16 June 2004]

1. Norway has not enacted any economic embargo against Cuba or adopted other measures contradictory to resolution 58/7.

**Pakistan**

[Original: English]
[3 May 2004]

1. Pakistan is fully in observance of resolution 58/7.

**Panama**

[Original: Spanish]
[28 June 2004]

1. Panama's national position on the matter is based on documents adopted by multilateral bodies and conferences with the support and participation of Panama, which is consistent with the provisions "to act" and "to refrain" of resolution 58/7.

2. The Helms-Burton Act is not valid under international law, as ruled in an opinion presented to the Permanent Council of the Organization of American States by the Inter-American Juridical Committee (IAJC), which concluded unanimously that "the bases for the prospective enforcement of the legislation forming the subject of this opinion (...) are inconsistent with international law". The IAJC was requested to present an advisory opinion through resolution 1364 entitled "Free Trade and Investment in the Hemisphere", at the XXVI General Assembly of OAS, held in Panama in June 1996.

3. With regard to the Free Trade Area of the Americas (FTAA), of which Panama is hoping to host the headquarters of the Administrative Secretariat, resolution 1364 is significant because it recognizes that "economic integration is one of the objectives of the inter-American system and that, in this context, it is essential to expand trade and investment at the regional and subregional levels". For this reason, respect for multilateral rules and disciplines within the framework of agreements on economic integration and free trade is fundamental.

4. The application of extraterritorial legislation such as the Helms-Burton Act is contrary to the Free Trade Area of the Americas. Given that economic integration is

one of the objectives of the inter-American system, it is essential to expand trade and investment in the hemisphere. In this context — not excluding its negative implications of a political and legal nature — the Helms-Burton Act is detrimental to free exchanges and transparency in international trade, while constituting an obstacle to the process of regional integration and a veiled restriction on international trade.

5. Panama's position was reaffirmed along with the countries of the Rio Group in the "Declaration of the Tenth Summit of Heads of State and Government of the Rio Group" (Cochabamba, Bolivia, September 1996) in which they gave their view on extraterritorial application of national legislation and rejected "any attempt to impose unilateral sanctions of an extraterritorial nature in application of a country's domestic law, as this contravenes the rules governing the coexistence of States and ignores the basic principle of respect for sovereignty, in addition to constituting a violation of international law". It also rejected the Helms-Burton Act and endorsed the unanimous view expressed by the IAJC "to the effect that the bases and the prospective enforcement of the Act are inconsistent with international law".

6. In the Declaration on the Helms-Burton Act, at the second ordinary meeting of the Ministerial Council of the Association of Caribbean States (ACS, Havana, December 1996), Panama's position was in line with the statement made by ACS in which it stated its "most energetic rejection of the passing of the Helms-Burton Act by the United States of America, which violates principles and standards of international law and of the United Nations Charter [and] is contrary to the spirit of the World Trade Organization". In that respect, unilateral coercive measures such as the Helms-Burton Act are detrimental to free exchange and transparency in international trade, hamper regional integration processes and violate fundamental principles of international law and State sovereignty. Similar views were expressed in the Declaration of Viña del Mar (paras. 8 and 9) of the Sixth Inter-American Conference of Heads of State and Government (Chile, November 1996), which was endorsed by Panama.

**Conclusion**

7. Consequently, and in conclusion, Panama is in compliance in letter and in spirit with the provisions of resolution 58/7 insofar as the action that it has taken complies with the provisions of paragraph 2 of the resolution: it has refrained from promulgating and applying laws and measures of the kind referred to in the preamble to that resolution. Therefore, the domestic legal regime does not include any current (or pending) legislation that implements laws and measures of the kind referred to in paragraph 3 of resolution 58/7.

8. In addition, with regard to the scope of resolution 58/7, the Republic of Panama, in accordance with its obligations under the Charter of the United Nations and international law, declares that it has no domestic legislation that needs to be repealed or invalidated pursuant to resolution 58/7 (para. 3) and that it strictly complies with and observes, inter alia, the freedom of trade and navigation laid down by international law.

**Paraguay**

[Original: Spanish]
[8 June 2004]

1. In accordance with the principles enshrined in the National Constitution, the Charter of the United Nations and the general principles of international law, the Government of the Republic of Paraguay considers that the extraterritorial application of domestic laws constitutes an attack on the sovereignty of other States, the legal equality of States and the principle of non-intervention in internal affairs; it also has an impact on international free trade and navigation.

2. Accordingly, the Government of the Republic of Paraguay fully observes the provisions of resolution 58/7, and has not applied any kind of legislative or procedural measures that contravene the letter or the spirit of that resolution.

**Peru**

[Original: Spanish]
[15 June 2004]

1. No law or measure whatsoever of the kind referred to in General Assembly resolution 58/7 exists or is applied in Peru.

2. The Government of Peru does not agree with unilateral and extraterritorial measures which seek to affect the internal political process of any one State. Peru considers that, in accordance with the principles of international law concerning non-interference in the internal affairs of States, due respect for the domestic constitutional regime is essential in international relations.

3. The Government of Peru is guided in this matter by the positions taken by the Permanent Mechanism for Consultation and Concerted Political Action (the Rio Group) and the statements issued at the Ibero-American Summits held in recent years.

4. Lastly, the Government of Peru wishes to reaffirm its strong and unswerving commitment to the common objectives of guaranteeing representative democracy, respect for human rights and economic freedom.

**Philippines**

[Original: English]
[16 July 2004]

1. The Philippines has complied fully with the action required under paragraph 2 of resolution 58/7, and paragraph 3 of the same resolution does not apply to the Philippines as it has no such laws restricting freedom of trade with Cuba.

**Poland**

[Original: English]
[18 June 2004]

1. The Republic of Poland, in compliance with its obligations under the Charter of the United Nations, neither promulgates nor applies any legal measures referred to in resolution 58/7.

## Qatar

[Original: Arabic]
[24 June 2004]

1. The State of Qatar has not enacted or applied any extraterritorial law or regulation having an impact on the sovereignty of other States or the legitimate interests of entities or individuals within their territory or affecting free trade or international navigation, nor has it adopted any other measure contrary to General Assembly resolution 58/7.

2. Qatar follows a policy of full compliance with the purposes and principles contained in the Charter of the United Nations, in particular the principles of equal sovereignty of States and non-interference in their internal affairs.

3. The Government of Qatar rejects the use of economic measures as a means of achieving political ends and adheres in its relations with other States to the fundamental principles of the Charter of the United Nations and the rules of international law.

## Russian Federation

[Original: Russian]
[2 June 2004]

1. The Russian Federation has consistently held the position that there must be no application in international relations of discriminatory unilateral measures of an extraterritorial nature. In the present rapidly globalizing world any attempt to isolate individual countries is, in our view, counterproductive.

2. Regrettably, it must be stated, the latest actions of the administration of the United States of America, including the decision to tighten the unilaterally imposed sanctions against Cuba, are not helping to normalize relations between Cuba and the United States.

3. Of concern, in that connection, is the new round of worsening Cuban-United States relations, which is exacerbating the confrontation between the two countries and hindering the establishment of constructive dialogue.

4. The coercive extraterritorial measures announced by the United States administration and adopted unilaterally are at variance with the provisions of the Charter of the United Nations and recognized principles of international law, and their extraterritorial efforts seriously affect the sovereignty of other States and legitimate interests of entities and persons under their jurisdiction, and also create obstacles to free trade and free movement of capital at the regional and international levels.

5. Since 1994, the Russian Federation has supported at General Assembly sessions the resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

6. We are convinced that ending the embargo and normalizing United States-Cuban relations on the whole would help to resolve the situation around Cuba and draw it further into international and regional processes. We believe that that, in turn, would stimulate democratic and social and economic change on the island. The

Russian Federation, like the absolute majority of States Members of the United Nations, firmly condemns the embargo and favours its prompt repeal.

7. The continuation of the economic, commercial and financial embargo of Cuba by the United States is not keeping in with the spirit of the times and hinders the establishment of a new, just world order for the twenty-first century based on the fundamental principles of the Charter of the United Nations and the primacy of international law.

8. Guided by the aforementioned principles and in solidarity with the will of the overwhelming majority of the international community, expressed on repeated occasions, to resolve all disputes and differences that arise without diktat or force, the Russian Federation considers it necessary to vote also at the current General Assembly session of the United Nations in favour of the draft resolution calling for the lifting of the embargo and normalization of Cuban-United States relations, which would allow for a fresh start in relations between the United States of America and Cuba and contribute significantly to ensuring peace, harmony and stability in the region.

**Saint Kitts and Nevis**

[Original: English]
[14 June 2004]

1. The Government of Saint Kitts and Nevis does not participate in an embargo against Cuba.

**Saint Lucia**

[Original: English]
[29 June 2004]

1. The Government of Saint Lucia maintains normal relations with the Republic of Cuba, and supports cooperation through the joint Caribbean Community-Cuba council. Saint Lucia has consistently voted in favour of resolution 58/7.

2. Saint Lucia has not adopted any laws or other measures in favour of the extraterritorial application of domestic laws of one State to another State.

**San Marino**

[Original: English]
[22 April 2004]

1. The Government of San Marino has always and generally been against any imposition of any embargo and in particular against the embargo on Cuba as a means of pressure and because of the serious repercussions on the population, especially as far as medical assistance and food provisions are concerned.

**Sao Tome and Principe**

[Original: English]
[3 May 2004]

1. The Government of Sao Tome and Principe has been cooperating with the Government of Cuba under the principles and provisions of the United Nations

Charter by promoting peace, security and development. The embargo against Cuba outside Security Council frameworks is a violation of international law and will never contribute to improving relationships and promoting international security.

2. The social and economic life of Cuba's people is always under great pressure, depriving the people of communicating freely with other countries, because the laws of a unilaterally imposed embargo do not let them exercise these fundamental rights and pose potential stumbling blocks to achieving the Millennium Declaration Goals.

3. The embargo cannot be applied as way and means to have unilateral political gains. Sao Tome and Principe's legislation is not supporting any embargo outside Security Council frameworks.

**Senegal**

[Original: French]
[16 July 2004]

1. Senegal applies no law or any economic or other measures against Cuba that affect the free flow of international trade.

**Seychelles**

[Original: English]
[28 April 2004]

1. The Government of the Republic of Seychelles fully endorses the content of resolution 58/7, and consequently does not have nor apply any laws and measures which may in any manner or form constitute or contribute to an imposition of an economic, commercial or financial embargo against Cuba.

2. Furthermore, the Government of Seychelles is of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

**Slovakia**

[Original: English]
[21 May 2004]

1. The Slovak Republic does not pass or enforce laws or regulations with extraterritorial effects and affecting the sovereignty of other States, the legal rights of citizens or the freedom of trade and navigation.

2. The Slovak Republic has voted in the General Assembly along with the European Union in favour of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba.

**South Africa**

[Original: English]
[17 June 2004]

1. South Africa remains fully supportive of resolution 58/7 of November 2003 and wishes to report that it is fully compliant with all elements contained in the resolution. In particular, the following may be stated:

- South Africa views the continued imposition of an economic, commercial and financial embargo by the United States of America against the Republic of Cuba as a violation of the principles of the sovereign equality of States, non-intervention and non-interference in each other's domestic affairs.
- South Africa is guided by these basic norms of international conduct in its principled support for the need to eliminate coercive economic measures as a means of political and economic compulsion. The United States-imposed embargo, in addition to being unilateral and contrary to the Charter of the United Nations and international law, and to the principle of neighbourliness, causes huge material losses and economic damage to the people of Cuba.
- South Africa categorically opposes any unilateral action in this context and will only adopt economic sanctions that have been collectively decided upon by the African Union and/or the Security Council in accordance with the principles enshrined in the Charter of the United Nations.
- South Africa furthermore wishes to express its d[illegible] concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures by the United States geared to intensifying it, such as those made known during May 2004.

2. In line with previous resolutions on this item, among others, South Africa believes that constructive dialogue can foster mutual trust and understanding as well as engender harmony and peaceful coexistence between both nations.

**Sri Lanka**

[Original: English]
[17 June 2004]

1. Sri Lanka has not promulgated any laws and measures referred to in the preamble of resolution 58/7. Therefore the question of repealing such laws does not arise.

**Syrian Arab Republic**

[Original: Arabic and English]
[4 May 2004]

1. Proceeding from its position of principle with respect to the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Syrian Arab Republic voted in favour of General Assembly resolution 58/7, which emphasizes the need for compliance with the purposes and principles of the Charter of the United Nations and reaffirms the principles of the sovereign equality of States, non-intervention in their internal affairs and freedom of international trade and navigation. In that resolution, the General Assembly also called upon States to take the necessary measures to put an end as soon as possible to the economic, commercial and financial embargo imposed against Cuba for more than three decades. In this regard, the Syrian Arab Republic recalls the Final Document of the heads of State or Government at the summit of the Non-Aligned Movement, held in Kuala Lumpur, Malaysia, on 24 and 25 February 2003, in which the heads of State or Government called upon the United States to put an end to the embargo against Cuba, which in addition to being unilateral and contrary to the

Charter of the United Nations, international law and the principle of neighbourliness, is causing huge material losses and economic damage to the people of Cuba.

2. The heads of State or Government once again urged strict compliance with the relevant resolutions of the General Assembly, including resolution 58/7, and expressed deep concern over the widening of the extraterritorial nature of the embargo against Cuba and over continuous new legislative measures geared to intensifying it.

3. The Syrian Arab Republic also refers to the Declaration adopted at the South Summit of the Group of 77 and China, held in Havana, in which the participants categorically rejected laws and regulations with extraterritorial impact and all other forms of coercive economic measures, and expressed grave concern over the impact of economic sanctions on the development capacity of the targeted countries. The Summit also adopted a special appeal from all the leaders of the developing countries for the immediate lifting of this embargo, given that it is causing the Cuban people enormous material losses and inflicting huge economic damage, in addition to being a unilateral measure and in contravention of the Charter of the United Nations, international law and the principle of good-neighbourliness.

4. The international community has frequently stated that it rejects the maintenance of the sanctions unilaterally imposed on Cuba and the so-called Helms-Burton Act, which exceeds the jurisdiction of national legislation and encroaches on the sovereignty of other States that deal with Cuba. This is incompatible with the principle of the sovereign equality of States. Experience has shown that, for the most part, sanctions regimes have caused enormous material damage and major economic losses for the civilian inhabitants of the countries targeted.

5. Accordingly, the Syrian Arab Republic calls for an end to the economic, commercial and financial embargo imposed by the United States of America against Cuba. This would help to create a positive climate in international relations and enhance the role of international legitimacy in safeguarding the principle of the sovereign equality of States.

**Thailand**

[Original: English]
[16 July 2004]

1. In principle, Thailand does not support the imposition by one country of its national law on another country which, in effect, compels a third country to comply. In Thailand's view, such an act would be contrary to the basic principles of international law as well as the United Nations Charter.

2. Thailand has maintained no legal provision or domestic measures of such nature.

**Trinidad and Tobago**

[Original: English]
[16 July 2004]

1. The Government of the Republic of Trinidad and Tobago has not enacted legislation in respect of Cuba containing the prohibitions referred to in paragraphs 2 and 3 of General Assembly resolution 58/7.

**Tunisia**

[Original: French]
[12 July 2004]

1. Tunisia does not apply any unilateral laws or measures with extraterritorial effects.

**Turkey**

[Original: English]
[14 June 2004]

1. The Republic of Turkey does not have any laws or measures of the kind referred to in the preamble of General Assembly resolution 58/7 and reaffirms its adherence to the principles of freedom of trade and navigation in conformity with the Charter of the United Nations and international law.

2. The Government of Turkey is of the view that differences and problems between States should be settled through dialogue and negotiations.

**Uganda**

[Original: English]
[14 June 2004]

1. Uganda supports freedom of trade and navigation by all nations in conformity with its obligations under the Charter of the United Nations and international law.

2. The Government of Uganda enjoys unrestricted trade relations with Cuba. In this regard, the Government of Uganda continues to support all measures by the United Nations and other bodies aiming at ending all trade restrictions between all United Nations member countries, including Cuba.

**Ukraine**

[Original: English]
[13 May 2004]

1. The Government of Ukraine does not have any legislation or regulations whose extraterritorial effects could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade and international navigation.

2. Equally, the Government of Ukraine does not accept the use of economic measures as a means of achieving political aims and upholds, in its relations with other countries, the fundamental principles of the Charter of the United Nations, the norms of international law and the freedom of trade and navigation.

**United Republic of Tanzania**

[Original: English]
[8 July 2004]

1. The Government of the United Republic of Tanzania voted in favour of resolution 58/7 and has applied its provisions. The Government of the United Republic of Tanzania has never promulgated any law or measure that would restrict free commerce with the Republic of Cuba.

2. The Government of the United Republic of Tanzania is concerned about the damaging effects of the economic, commercial and financial embargo imposed on the Republic of Cuba by the United States. The concern is with the damaging effects of the embargo on the Cuban population, particularly on the most vulnerable strata, that is, children and the elderly. The Government of the United Republic of Tanzania will continue to support the call for lifting the embargo imposed on the Republic of Cuba.

3. The Government of the United Republic of Tanzania reaffirms its strong support for the principles of freedom of international trade and navigation. Tanzania has systematically appealed for the elimination of the unilateral application of measures of an economic and commercial character that affect the free development of international trade and navigation.

**Uruguay**

[Original: Spanish]
[8 June 2004]

1. As stated on earlier occasions, Uruguay maintains a foreign policy favouring freedom of trade and navigation as well as respect for the rules of the World Trade Organization relating to the development of trade. Accordingly, the Government of the Eastern Republic of Uruguay does not recognize in its legislation the extraterritorial application of domestic laws of other States, and, therefore, it has not applied any measures or laws of the kind referred to in resolution 58/7.

**Venezuela**

[Original: Spanish]
[11 May 2004]

1. The Bolivarian Republic of Venezuela has consistently and repeatedly rejected the promulgation and implementation of laws and regulations with extraterritorial effects that infringe upon the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction and which have a negative impact on the freedom of international trade and navigation.

2. Venezuela considers that unilateral measures such as the embargo imposed on Cuba, which is of a coercive and extraterritorial nature, have an adverse impact on the legal framework defining economic and commercial exchanges between nations and undermine the efforts that have been made to achieve continental and subregional economic integration.

3. On that basis, Venezuela has voted in favour of the resolutions condemning the embargo imposed on Cuba by the United States of America that have been adopted since 1992 by the General Assembly.

4. General Assembly resolution 58/7 of 4 November 2003 once again expressed concern at the continued promulgation and application by Member States of laws and regulations, such as that promulgated on 12 March 1996 known as the "Helms-Burton Act", the extraterritorial effects of which affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation, and once again urged those States that have applied and continue to apply such laws and measures to take the necessary steps to repeal or invalidate them as soon as possible in accordance with their legal regime.

5. Venezuela has adopted a consistent position on this matter in various international forums in which the subject of the application of unilateral coercive measures with extraterritorial effects has been discussed.

6. Accordingly, we have firmly rejected all unilateral measures with extraterritorial effects, which are contrary to international law and the commonly accepted rules of free trade and we agree that such practices are a serious threat to multilateralism.

7. In the Final Communiqué of the Thirteenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries held in Kuala Lumpur, Malaysia, on 24 and 25 February 2003, the Heads of State and Government again called upon the Government of the United States to put an end to the economic, financial and commercial embargo against Cuba, which, in addition to being unilateral and contrary to the Charter of the United Nations and to the principles of international law, is causing tremendous material losses and economic damage to the people of Cuba.

8. In the Declaration of Santa Cruz de la Sierra adopted at the Thirteenth Ibero-American Summit held in Bolivia on 14 and 15 November 2003, the Heads of State and Government condemned the embargo against Cuba in the following terms: "We reaffirm our strong rejection of the unilateral and extraterritorial application of laws and measures which are contrary to international law, freedom of markets and navigation, and world trade and, therefore, we urge the Government of the United States of America to end the application of the Helms-Burton Act".

**Viet Nam**

[Original: English]
[25 May 2004]

1. Throughout the past 44 years, the United States has been incessantly tightening its embargo and blockage measures against Cuba, since recently by promulgating and implementing the Helms-Burton and Torricelli Acts. These measures have been hindering the Cuban people's efforts in the process of national construction, economic and social development and improving their living standard. The United States embargo and blockage measures run counter to the fundamental principles of international law, the Charter of the United Nations and the World Trade Organization. Thus, since 1991, when this issue was first included in its agenda, the General Assembly has adopted a resolution every year by an overwhelming majority, the most recent one being resolution 58/7, requesting the

United States to put an immediate end to its economic, commercial and financial embargo against Cuba. This not only reflects the international community's unanimity on the necessity to urgently abolish the coercive policies against the Cuban people but also manifests the common desire to establish a just, democratic, equitable and equal international relations for peace, cooperation, development and social progress without discrimination based on political regimes and with respect for the right of every nation to choose its own development path.

2. Viet Nam is of the view that the differences between the United States and Cuba should be resolved through dialogue and negotiations in the spirit of mutual respect, respect for each other's independence and sovereignty and non-interference in each other's affairs. Viet Nam would welcome every effort in this direction. Viet Nam reaffirms its support for the relevant resolutions of the General Assembly and holds that the United Nations should undertake early and effective measures and initiatives aimed at ensuring implementation of the resolutions already adopted and putting an end to the policies of embargo and blockage against Cuba.

3. Once again, Viet Nam reaffirms its friendship, cooperation and solidarity with the Cuban people. Together with the peace-loving and justice-loving peoples in the world, Viet Nam will do its utmost to assist the Cuban people to overcome the consequences of the above-mentioned unjust policies of embargo and blockage that violate international law.

## Zambia

[Original: English]
[14 June 2004]

1. Zambia is concerned that once again no concrete steps have been taken to end the economic and social disadvantages arising from the embargo against Cuba.

2. Accordingly, the Government of Zambia, taking into account the lack of progress on the implementation of resolution 58/7, will support the inclusion of the item entitled, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" on the agenda of the fifty-ninth session of the General Assembly.

## Zimbabwe

[Original: English]
[23 June 2004]

1. Zimbabwe confirms its adherence to the principle of respect for the fundamental principles of the sovereign equality of States and non-intervention in their internal affairs and freedom of international trade and navigation. Zimbabwe has consistently advocated the revocation of laws and measures that have been applied and are being applied on a unilateral basis against Member States. The extraterritorial consequences of these actions affect the sovereignty of other States, the lawful interests of their subjects or of other persons under their jurisdiction and freedom of trade and navigation. In accordance with the principles of international law, including the provisions of the Charter of the United Nations, Zimbabwe has never applied, will not apply and has no intention of applying any laws or measures of this kind. Zimbabwe believes that international disputes must be settled by negotiation on the basis of respect for the principles of equality and mutual interest.